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# MOTIONS

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VOL. VI, NO. 4



## Reminders of the Glory of the British Empire

Two grenadiers guard the Queen's jewels at London's Tower of London. Opportunities for extended travel come but seldomly in a lifetime, and the USD law school offers study abroad programs in London, Oxford, Paris, Russia/Poland, Dublin, and Mexico.

## USD Pass Rate for July 1992 Bar is 77.7%

*This year's pass rate is an increase from July, 1991*

By Stacie L. Brandt  
Motions Editor in Chief

Of all of the graduates of the USD School of Law who took the July, 1992, California Bar for the first time, 77.7% passed. This is up 1.6% from the July, 1991, bar exam, when 76.1% of the USD first-time takers passed. The statewide pass rate for first-time takers of the July, 1992, exam was 73.1%.

According to preliminary analysis, 79.7% of first-time examinees from ABA approved schools passed in July. The rate for first-timers from non-ABA schools was only 48.9%.

The overall pass rate for the 7,130 graduates who sat for the exam was 59.4%. UC Davis had the overall highest pass rate, 86.5%. UCLA had the highest first-time pass rate, 90%. The lowest pass rate for ABA accredited first-timers was scored by Whittier Col-

lege with a 63.1% pass rate.

Minority graduates fare less well. Of first-time takers from California ABA accredited schools, 50.9% of blacks, 62.1% of Hispanics, and 73.2% of Asians pass, while 85.5% of white candidates pass.

California is one of seven states that permits examinees to qualify for the Bar through apprenticeship, rather than graduating from law school. However, the pass rate is only about 20%. California is also the only state that permits correspondence school graduates to qualify.

The July exam consisted of the 200 question multiple choice Multistate, six essay questions, and two performance tests. The California mean on the Multistate was 3.4 points higher than the national average.

Following the November, 1992, California Bar, there are approximately 136,000 active and inactive lawyers in the state.

Among first-timers taking the exam in July, 1991, USD ranked ninth among 16 ABA accredited schools. For the composite years 1987-91, USD's first-time pass rate ranked eleventh of 16.

## Parking May Be Moving toward a Solution

By Brad Fields  
and Peter Salmon

The SBA and USD administration met on Wednesday, Jan. 20, to discuss a recently passed SBA parking resolution. The resolution addresses the increased shortage of student parking space that developed last semester. One proposed solution is to open the faculty spaces in the law school parking lot to students during the evening hours.

The SBA parking resolution, passed shortly before winter break, developed from discussions with the Dean's Student Advisory Council (DSAC). The resolution contained four proposals. (1) Two shuttles should be run throughout the day and evening. (2) Some faculty parking spaces should be open to student cars after 5pm. (3) The faculty parking spaces should be open to student cars on week-

ends. (4) The USD administration should sponsor a service to escort students to and from their cars at night.

Present at the parking meeting were SBA President Robert Chong, Day Vice President Brad Fields, and SBA members Matt Frank, Will Nelson, and Peter Salmon. Representing the USD administration was Don Johnson, Chief of the Public Safety Department at USD.

Johnson responded favorably to the SBA proposals and suggested several specific solutions. First, he proposed that two shuttles should run throughout the day until 6:30 or 7pm, after which only one shuttle would run on a specified schedule to better coincide with the arrival and departure of students from the campus. Also, Johnson informed the group that an enclosed bus might run between Dogpatch (graduate student housing) and USD. This "third" shuttle remains in the planning stages.

Second, Johnson addressed the opening of faculty spaces to stu-

dents at night and on weekends. Although this remains only a proposal at this time, one tentative measure might allow students to begin to park in faculty spots in the law school lot. Nighttime faculty and staff members would be given exclusive use of the lot across from the law school (next to the UC and across from the parking office) and one of the lots behind the LRC (next to the school of education). Also, students might be allowed to park in other select areas, including the Diocese and the Immaculata.

Finally, Johnson informed the group that police on campus already escort students at night. Students may pick up one of the red phones around campus or call 260-4600 after hours for connection to the campus police.

After the undergraduates return from break, a campus-wide parking committee will be formed. Students may give input regarding parking to any SBA members either directly or by dropping a note in the SBA box located in the Writs.

## Martin Luther King Day Recognizes a Great American

By Levis Perry

No classes were held on Monday, Jan. 18 this year to mark the first official USD celebration of Martin Luther King Day. There is an irony about holidays which purport to honor great leaders: they often trivialize and demean the intended honorees. Christmas is a celebration not of Christ but of capitalism; Columbus Day is becoming an occasion to remember what a scoundrel Columbus was; and the phrase "Washington's Birthday" hardly seems complete without attaching the word "sale." Will this fate also befall Martin Luther King, Jr.?

Ominous signs are already present. Some claim that it is inappropriate to celebrate a holiday to honor a man who was the political enemy of many people still alive and whose policies have failed to substantially improve the well-being of his people. Those who make such statements do not understand Dr. King's true significance. The true legacy

of Martin Luther King is not measured by how much his efforts have materially benefitted African Americans but rather by how much his efforts have morally and socially benefitted all Americans, and indeed, all the world.

### The meaning of Martin Luther King to America

Martin Luther King's greatest legacy lies in the victories he won in the struggle to help America live up to the ideals of its liberal creed. Throughout American history there has been a dynamic tension between the values Americans preach and those they practice. This tension can be seen as far back as the American Revolution, a war fought on the basis of liberal, humanistic principles, but waged by people who were essentially conservative. At the heart of this contradiction lay the institution of slavery.

See KING page 4



### Congratulations Bar Passers

For better or worse, the results are in and MOTIONS has 'em.

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### Study Abroad

USD offers summer school programs in six foreign countries.

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### Introducing Madame X

Meet Hollywood's new, Bar Review partner.

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## An Interview with the Dean

By Scott Slattery  
Motions Editor

*This is the second part of a two part article. In the Dec. 2 issue, Dean Strachan discussed Justice Panelli's Nov. visit, the new status of the Journal of Contemporary Legal Issues, U.S. News and World Report's law school rankings, and some of her current projects.*

**N**ew Faculty. We have a member of the faculty coming in January; her name is Cynthia Lee. She has an outstanding background: undergrad at Stanford, law school at Berkeley. She's finishing up working for a San Francisco firm right now. Professor Lee will be teaching in the areas of Criminal Law and Criminal Procedure. I think the students will find her to be a very capable and dynamic person. She's also very interested in becoming involved in the academic support program.

**Fletcher Classroom Remodelling.** I am working on getting the Fletcher classrooms remodelled and air conditioned, and the rest of our classrooms air conditioned. It's a budget crunch around here - trying to keep up with the increasing need for financial aid and expanding the library collection - but the physical classroom environment must be a top priority for any law school and university. I'm hoping that pressure and persuasive arguments will pay off.

**Q:** What is the latest on the ABA study that took place two years ago?  
**A:** That's a chapter that is closed. We came through that with absolutely high marks. They got after us for just a few things. They felt we were not enforcing the 20 hour student work rule; not adequately enforcing the rules on punctual and regular class attendance; giving too much credit for and not adequately supervising externships; having an inadequate library collection of monographs (new books); and using too many adjuncts. We have adjusted a few things to address all their concerns. They signed off on us in June so our accreditation continues for another six years.

## Congratulations California Bar Passers

*Motions salutes the following USD School of Law graduates who successfully passed the July, 1992, California Bar examination:*

Adkins, Colin Mark	Dela Rosa, Noelle E.	Hirsch, David Michael	McNeill, Suzanne B.
Allman, Kim Lynette	Dulsky, Michelle Griffith	Hodge, Arthur Donaldson	Mende, Martina
Arquilez, Sally Fay	Dunne, Julie A.	Holub, Edward Wladyslaw	Miller, Julie Lucile
Atchison, Amy Beth	Eddy, William Arthur	Hoppes, Traci Ann	Miller, Todd Glen
Backstrom, Karin Lynn	Eldredge, John Walter	Horton, Lincoln Victor	Mirras, Joanne Kay
Barris, Linda J.	Elsner, Thomas James	Hunt, Caroline Kelley	Mullen, John Peter
Benjamini, Emily Ann	Emge, Derek John	Jackson, Blaise Joseph	Mullins, Joyce Marie
Bertsche, Louis John	Emge, Suzanne Katleman	Jacobs IV, Bradley Lionel	O'Connor, Patricia Mary
Bowers, Aaron Lowell	Eugenides,	Jaquez, Martin Joseph	Overton, Sarah Lee
Bradley, Ann Kathryn	Alexander Angelo	Kalasky, Beverly Ann	Parker, Joseph Michael
Brown, Robert Joseph	Ewing, Todd Estil	Kamangar, Babak	Paul, Christian Frederick
Bukovskis, Layne Martin	Feist, Philip Reid	Karila, Kristine S.	Pennell, Robin Lynn
Bull, Kelly Lynn	Finlay, Campbell Hodges	Katrinak III, Raymond Paul	Philpott, John James
Candaux, Mary Jane	Fiore, Gina Louise	Katz, Richard Alan	Pickard, R. Kay
Carlson, Donald Tylee	Ford-Harder, Jana Marie	Keithley, Clare	Pratt, Jeffrey Ray
Castro, Lorena Delgado	Geelan, Gregory Jude	Kilpatrick, Terry James	Randolph, Shawn Nicole
Chapman, Cynthia B.	Goldberg, Joseph	Koval, Karen Frederica	Rayder, Kristin Young
Chatard,	Goss, Amy Joanne	Kovalsky, Martin Stuart	Raynor, Richard Wayne
Christopher Michael	Grant, Jenna Lea	Kwiatkowski, Rosemarie	Richards, Barbara Lynn
Childs, Kevin Robert	Gregory, Gillian Lawrie	Levin, Jason	Richardson, Janet Marie
Chu, Brian Thomas	Grimm, Cynthia Ann	Litz, Jennifer Ann	Ridley, Tamela Rae
Classen, Roger Derek	Griswold, Theodore Joseph	Lococo, Randall Craig	Riley, Deborah Ann
Coats, Philip Wayne	Grogan, Carol Joanne	Love, Jacqueline Grace	Rogan, Edward Gerard
Conrad, Tammy Lynn	Haisha, Polly Lynne	Lowe, Coleen Helen	Roseman, Rochelle Lynn
Cook, Kenneth John	Hanau, Rosa Linda	Lucas, Janice Salviejo	Rubin, Jilien Judith
Copsey, Laura Jeanne	Harmata, Dianne Karen	Martin, Patrick Wayne	Rupard, Denise Lorraine
Coseo, Ann Marie	Hartwig, Judith Ann	Mazur, Jeffrey William	Ryder, Lisa Ann
Curbelo, Rodrigo	Henry, John Joseph	McCabe, Eileen Mary	Ryner, Elizabeth Anne
Davis, Leah D.	Heredia, Franklin Samuel	McClutchey,	Sabatier Jr., Charles Joseph
Davis, Steven James	Herranen, Alena Marianne	Elizabeth Leslie	Salel, Timothy Francis

## Trial of a Friend's Killer Leads to Legal Insight

### Michael Konz Remembered

By David E. Gurley

**A** year ago today, a friend and classmate was shot and killed. Halfway through our second year of law school, Mike Konz's life was cut short by a bullet to the back of his head, fired point blank by Robert Mack, a General Dynamics employee. Mike was the labor relations representative at Mack's termination hearing.

During a brief recess at the hearing, Robert Mack chased Mike through the building and out into the courtyard. Within a dozen steps of the door, Mike was executed, shot for having been one of those Mack felt had robbed him of his 24 year GD position.

Last July, I found myself in Judge Murphy's courtroom for the closing arguments of the Mack trial. After being part of the USD contingent in Phoenix for Mike's funeral, I wanted to

know what evidence could possibly be presented in Mack's defence. I wanted to know what basis he could have for a defense, what grounds his attorney felt were sufficient to make a trial worthwhile. A plea bargain was the only reasonable response, as far as I could tell. Judge Huffman's words rang clear in my mind, "Homicide and malice aforethought." It seemed pretty cut and dry.

But, by the end of the closing arguments, I was impressed with the presentations of both the prosecutor, Assistant District Attorney Robert Sickles, and of the defense attorney, Michael Roake. Having arrived with the emotional weight of my friend's death, I was surprised, almost scared, to consider the reasoned clarity with which Mack's defense was illustrated. Whereas Mr. Sickles portrayed Mack as an employee out for revenge, whose sole purpose in carrying a loaded firearm to a grievance hearing was murder, Mr. Roake painted an entirely convincing, yet diametrically opposed, picture of a victim of corporate America, driven

to the point of a psychotic break. To Mr. Roake, what drove Mack over the edge was the specter of losing the position which Mack had boasted would yield him the title of the first black man to retire from the GD plant after a full 25 year career. His purpose was not murder at all, but suicide. It was his own life that he intended to end.

Listening to the arguments, I realized in the most dire of circumstances that the Art of Lawyering is not in the facts, but the presentation. I still believe that Robert Mack had sufficient time and clarity of mind to premeditate attempts to murder both James English and Michael Konz. I have, however, gained an understanding of the clarity and precision necessary for me to reconsider my emotional turmoil since Mike was killed with the removed reasoning law school is supposed to instill in us all at some point prior to graduation. Guilty of murder? Yes. Defensible? Absolutely.

Samouris, Phillip Constantine	Towson, Daniel Wayne
Selesnick, Andrew Howard	Treska, Edward Joseph
Shepard, Julia Cameron	Trumper, Edward Todd
Shepro, Stacey Hope	Tunink, Michael Joseph
Shevin, Eric Drew	Upton, John Michael
Shokes, Deane Spiller	Van Vianen, Edwinus Maria
Siegersma, Susan Marie	Varco, Suzanne Roy
Silva, Simón	Vaughn, Vicki Lynn
Silverman, Beth Ellen	Villanueva, Allan Alcon
Silverstone, Samantha Jane	Waldman, Stephen Louis
Simone, Francesco	Walters, Charles Joseph
Singley, Barbara Jane	Ward, John Patrick
Smith, Georgia L.	Watkins, Daniel Ray
Solliday, Lynn Marie	Wendell, Linda Sharon
Solovay, Alice R.	Williams, Alan "Kip"
Sommers, Susan Elizabeth	Williams, Sarah Fairchild
Stamen, Randall Seth	Wind, Kimberly Jo
Strashoon, Kim	Wingrove, Tracy Enochs
Stuman, Gregory James	Yamamoto, Kevin Michitaro
Taylor, Carolyn Copeland	Zepernick, Rushton Stroud
Toltz, William Michael	

Good Luck

## MOTIONS

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Editor in Chief: Stacie L. Brandt

Business Manager: Scott E. Slattery

Publishing Director: Gregory T. Lyall

Associate Editor: Elizabeth Genel

Staff writers: Christopher Harris, Dallas O'Day, Jamison A. Ross, L. Lucarelli, Judy Carbone, Sylvia Polonsky, Christopher Scott Trunzo, Sandra Johnson, Kelly Niknejad, Robert Little

Advisors: Carrie Wilson, Maimon Schwartzchild

Advertising: For information and availability call 619-260-4600 ext. 4343.



## Career Center Update

## New Programs Kick Off Spring Job Search

By Elizabeth Genel

Motions Associate Editor

I was hoping to have landed the perfect job by now so I could bag the rest of law school. But lucky for you I have not. Good thing, too, because there is lots of exciting stuff happening this semester at the Career Center, and I am still here to tell you about it.

Leave your calendars open for Wednesdays at 4:30 for great seminars designed to help you land the perfect job, spark your interest in different areas of the law, and keep you abreast of new and exciting ways to conduct yourself in an interview. (Wear a nice blue suit and avoid burping.) The Career Center has scheduled seminars on Networking, Sports Law, Public Interest Law, and other fabulous legal topics.

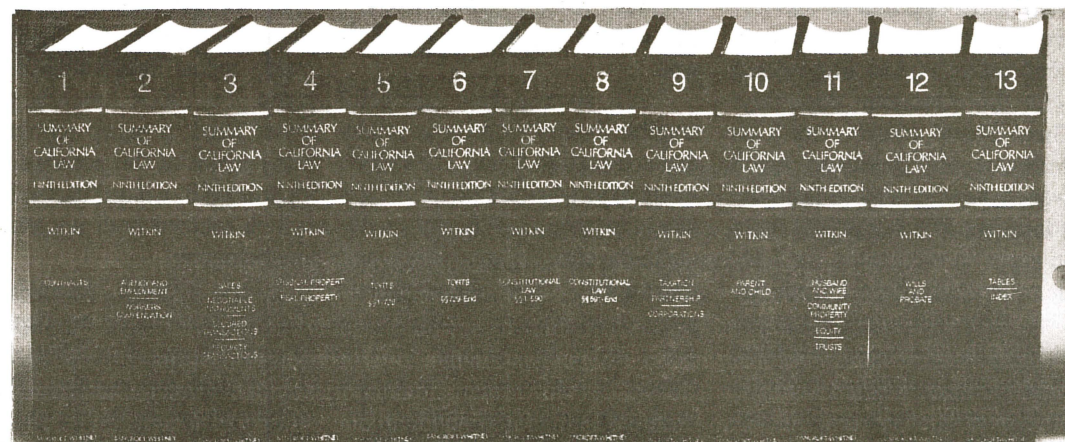
If you are interested in seeing yourself on video, the Career Center is conducting video mock interviews. Sign up today because they are being held this week and next. See the board outside the Career Center for details. This is a great way to see how you respond in an interview situation, and it's good practice for all the interviews you'll be going on after you attend the Wednesday seminars.

Perhaps you'd like to participate in the resume sorting process you did in the fall. Dust off your resume and head to the Center for the resume sort going on this week.

Don't be too disappointed, though; there aren't a ton of firms participating, but it will get you motivated to do another mass mailing. Yes, send your resume to firms coast to coast. Lots of firms didn't know what their hiring needs for the summer would be. As summer gets closer, firms will need associates. If you are lucky, some firms may even need to fill some senior partner positions. Hey, you've worked hard in law school and know how to conduct yourself on an interview, so go for it!

First year students, apparently you have not been taking my advice. Listen up, and believe me when I tell you that even in the best of economic times, there are very few jobs available for you scrubs. Here's a hint, we are not in the best of economic times. So please, relax, concentrate on getting good grades because they matter. Borrow more money from the school, and plan a fabulous trip to Europe. (See Centerfold.) You've worked hard - you deserve it. Work on your resume now if you must, but don't worry so much about getting a job this summer. You'll need to worry about it plenty next fall.

Kate Vargas was kind enough to make a calendar for everybody to keep track of what's going on at the Career Center. Drop by and pick one up today.



Bernie Witkin, often called "The Guru" of California law, wrote a syllabus many years ago, intended to help his associates pass the bar exam. He was successful. Now his work has matured and stands as legal authority for the bench and bar. A recent Lexis, Westlaw search turned up over 8,000 cases in which Witkin was cited as authority. Bancroft-Whitney is the exclusive publisher of Witkin.

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# Attention:

## Writers, Grammarians, Editors, Cartoonists, Opinionists, and ~~Spellars Spelers Spellers~~

Motions is seeking law students to manage  
USD Law School's ~~only~~ finest newspaper.  
An information meeting will be held Wednesday,  
February 3, at 12:00 in room 3D.



**KING** from page 1

America's early leaders, even those opposed to slavery, were unwilling and unable to confront an evil so intertwined with the American economy. Great liberal thinkers such as Jefferson and Madison owed wealth, power, prestige, and the educations which allowed them to argue so eloquently for freedom to profits derived from slavery. Nevertheless, Jefferson was able to predict from his deathbed that the issues of slavery and race would continue to resurface, and like a "firebell in the night," awaken each succeeding American generation from its complacency. Jefferson and others knew that America could never be made morally whole until it came to terms with its treatment of African Americans.

Americans of many races and both sexes have risen to greatness through their efforts in the war against racial oppression. Sojourner Truth, Frederick Douglass, Harriet Beecher Stowe, Abraham Lincoln, W.E.B. Du Bois, Thurgood Marshall, and Hubert Humphrey are just a few. Martin Luther King, Jr., is perhaps the greatest figure in this pantheon. The Civil Rights Act of 1964 and the Voting Rights Act of 1965 were the direct results of Dr. King's efforts. However, these were merely the fruits of a larger victory. Martin Luther King irreversibly seized the moral high ground for the cause of African American civil rights. With *Brown v. Board of Educa-*

*tion*, the nine men on the Supreme Court agreed that legally imposed segregation was wrong. After Martin Luther King, Jr., the majority of 200 million Americans agreed as well.

Still, some people search for tangible signs of progress and claim that none can be found. To anyone who knows what American life was like before the Civil Rights movement, the changes are obvious and undeniable. The net economic progress of African Americans is not a good benchmark for this change because most of Dr. King's work focused on social and political progress. What has changed is the social and psychological context within which the racial debate takes place. Dr. King's movement altered the cultural attitude toward what is acceptable and unacceptable behavior. Although the transformation is not complete, his work should not be trivialized, for such change is rare in any culture. Thus, Martin Luther King, Jr., has taken us a giant step closer to that day when America can be made morally whole.

**Dr. King and the world community**

Martin Luther King, Jr., is an important figure on the world stage as well as in America because he demonstrated that nonviolent activism is an effective weapon for social change. This idea, born in the writings of Emerson and Thoreau and tested by Gandhi in India, had never been successful against such enormous odds as existed in America. In the India of the 1930s, a relatively small group of British politicians and business-

men dominated 400 million people in a land thousands of miles from Britain. This fact, coupled with the later devastation of the British economy during World War II, made Indian independence inevitable. In 1960s America, on the other hand, a group representing ten percent of the population was oppressed by a majoritarian society which seemed both uncaring and unapologetic.

Dr. King's adoption of Gandhi's methods to deal with America's racial problem was an act of supreme courage. Had the southern police ever opened fire on his freedom marchers, Martin Luther King's movement might have ended immediately. But Dr. King had an unfailing belief in the essential goodness of the American people. He believed that most Americans acquiesced in segregation because they had closed their eyes to its immorality. Dr. King felt that if large numbers of Americans were forced to look at the immorality of segregation, they would reject it. His success is a tribute not only to his vision but to the values of the American people.

Martin Luther King proved that nonviolent protest could be effective in a broad range of circumstances. However, this does not mean that such tactics are effective in all settings. Success depends on whether the opposition can be swayed by an essentially moral argument. Thus, Martin Luther King succeeded while the students at Tiananmen Square did not. It was no mere coincidence that the people rallying in Prague and other eastern European cities during 1989 and



**Rosle Grier:** After an eloquent speech commemorating Martin Luther King Day, the former Los Angeles Ram discussed race problems in America with members of the audience.

1990, as well as those present when the Berlin Wall fell, were all singing the same song - "We Shall Overcome." Oppressed peoples around the globe have been inspired by the example of Martin Luther King. Thus, Dr. King belongs not only to Americans but to the world.

**The future**

Because of the significance of his contributions both to American culture and to world culture, Martin Luther King's contributions cannot be made trivial or marginal by citing the current problems of African Americans. That there is still a journey ahead does not diminish the importance of the distance already traveled. Martin Luther King's achievements have provided hope and progress not only for African Americans but for many other oppressed groups. Women's rights, gay and lesbian rights, and the rights of native

peoples are all part of the struggle for civil and human rights championed by Dr. King. The goal of social justice and equality for all is still far in the future, but we are on the right path.

As far as African Americans are concerned, the next major battle will be fought within the hearts and minds of African Americans themselves. After Dr. King's successes, the remaining barriers to economic progress are predominantly psychological. We must come to believe in our own ability to achieve, for lack of this belief is perhaps an even greater barrier to progress than external racism. Martin Luther King put us on our feet; Malcolm X assured us that we can walk; but it is up to African American themselves to take the next steps.

*The author is a third year USD Law student.*

**DEMOCRATS** from page 14

public their economic "cures," giving the perception that they, at least, were concerned with the economic well being of the country. Whether they really were concerned, or whether the cures will work is a different question entirely. All that mattered was that the public thought the Democrats cared and the Republicans did not. This was the second fatal blow.

Third comes the tenor of the campaign itself. To steal a line from the esteemed Mr. Perot, what I find fascinating is that the Democrats claim that the Republicans ran a tough campaign while the Republicans claim to have botched it entirely. Now that's just sad. The Democrats, of course, want to make it look like they beat a tough competitor to magnify their own victory, while the Republicans want to minimize the Dems' victory by making it look like their loss is their own fault.

There is no question that the Republicans shot themselves in the foot with their xenophobic fanatical convention. The sight of Pat Buchanan declaring a jihad was not one to warm the hearts of the average American. "Family Values" did not play well with a nation that had already been convinced that "The Economy" was the real issue. Every attempt that the Republicans made to redefine the debate was characterized by the Democrats as a "negative" attack. The Republicans had, like the boy who cried

wolf, overused the negative campaign strategy until the public was sick to death of it. The sad part was, had they not done so earlier, it might have been useful this time around against a candidate carrying as much unfavorable baggage as Clinton. The Republicans were forced to run a reactionary campaign, which allowed the Democrats to call the tune while the Republicans danced. This was the final great killer of Bush's re-election hopes.

Clinton won because he convinced the public to ask a question that only he could answer: what will you do to change the economy and make it better? Bush could not answer. Perot gave the wrong answer. Clinton must now follow through on his promise to give a new direction to the economy by both making substantive change and striking the right balance among leadership, public relations and operations. Clinton is a dogged and tough politician, but he must remember, no left-handed president has ever been re-elected to a second term.

**ABORTION** from page 14

argue against this position by suggesting that it could be used to protect the two single cells which eventually form a fetus. They are wrong for two reasons. First, there is no reasonable alternative to the position that the future capacity to perform human activity makes life valuable. The claim that present

capacity to perform human activity is necessary to create value can be defeated. Imagine a person in a severe coma from which we were sure that the person would emerge in a few months. Such person would certainly be valuable but would lack the present capacity to perform human activity.

Second, the two single cells which together form a human being are scientifically not living beings. Such cells lack the requisite genetic material to form a human being. They do not eat, do not grow, and soon become inanimate. Once they combine, however, they become something genetically different from their parents which requires nourishment, increases in size and complexity, and which, if left alone, will become a fetus, an infant, and eventually an octogenarian.

All of the foregoing is largely moot, however, because a party's rights become forfeit to the extent that their holder cedes them. As I mentioned at the beginning of the article, a fetus' rights must be weighed against those of its mother. A woman's right not to be pregnant is clearly great, although not as important to the mother as the fetus' right to live is to the fetus. However, there is an additional factor to be considered.

The law generally holds people responsible for the proximate results of their negligent acts. Well, pregnancies don't just occur. Indeed, no one nowadays is unaware of why they occur. Thus, any time

an unintended pregnancy occurs, the parties responsible have been legally reckless: they have "consciously disregarded a substantial and unjustifiable risk" that a pregnancy would result from their actions. As it does in other areas of the law, and should in this area, recklessness deprives a party of any rights so alienated unless the opposing party has acted with knowledge or intent. In other words, a woman does not have a right not to be pregnant if she recklessly caused the pregnancy. She has already made her "choice." The Supreme Court's doctrine of protecting recklessness in this instance is at variance with the rest of our nation's jurisprudence.

I am absolutely, positively, not condemning women who have had abortions. While it is always possible to adjudge an action as wrongful, our lack of ability to have certain knowledge regarding the actor's mental state, and how it was arrived at, precludes us from concluding that the actor is morally bad. Moreover, I realize that a mother bears most of the burden of a pregnancy for which the father is also fully responsible. Legislation which attempted evenly to distribute the effects of pregnancy, for example, by completely shifting the financial burden, would be equitable and a good deterrent.


We must still recognize that abortion, an institution which "cures" pregnancy by destroy-

ing the only innocent party, is unjustifiable. It exists because our society has decided that it wishes to encourage promiscuity but is unwilling to live with the results. That is why we are intentionally killing what are, essentially, 1.6 million small babies every year and justifying it as "privacy." The Supreme Court simply made a policy judgment that protecting an unlimited national libido is worth shredding fetal flesh and the U.S. Constitution.

## SUMMER LAW STUDY

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# Pro Bono

By Rich Britschgi

The Supplemental Security Income (SSI) Program involves students in real life advocacy by allowing them to serve as legal representatives of clients who are appealing their denial of public benefits. SSI provides benefits for mentally and physically disabled persons who meet established regulatory definitions. Persons whose applications for benefits are denied may have the opportunity to appeal. Working with the San Diego Volunteer Lawyer Program, students are assigned cases deemed wrongfully denied. The student then has full responsibility for working with his or her client to appeal the case. About fifteen USD law students are currently involved in the program.

Although the cases do not demand a lot

## Students Advocate for Real Clients in SSI Program

of time, an appeal may entail a commitment of six months or more. Students inevitably find the experience rewarding. Although the circumstances of each case vary, second year student Harvey Payne's case is representative of student advocacy in action. Harvey's client is a woman suffering from work-related injuries alleged to have worsened until employment became impossible. After she was denied public benefits, Harvey became the legal representative for the case.

Harvey gathered together his client's medical records and wrote a memorandum to the Administrative Law Judge (ALJ), arguing that his client met the regulatory requirements for disability. The initial problem Harvey faced was that the x-rays of his client that were taken by an orthopedic specialist for the Department of Social Security indicated no physical disabilities. Harvey was able to show that other medical records and x-rays performed by the client's own treating physician were in conflict and did indicate physical problems. At the administrative

hearing, the ALJ granted Harvey's request to perform new x-rays and orthopedic tests to establish his client's condition.

Harvey's case is currently pending, having been left open for a period of time for acceptance of additional evidence after the hearing. The ALJ should be making his ruling within the next two weeks.

In most cases, the hearing before the ALJ is the culmination of the SSI program. At the hearing, the student directly examines her client in order to present the client's case. The judge may also carry on direct examination. The process is a very informal interchange compared to the decorum of a courtroom.

Harvey's case is an example of the persistence that is sometimes necessary. Difficulties can arise when dealing with treating physicians or the staff at the overburdened County Medical Service. In the end, the process provides a rewarding experience when you believe in your client.

A substantial number of cases warrant

appeal from the denial of SSI benefits, so the need for student advocates is great. Training for the program is two and a half hours. Students who are interested in getting involved with the program this spring should contact Rich at 542-0215.

## Mentors Counsel High Schoolers

By Robin Segal

I came to law school with visions of taking command of a courtroom with my brilliant legalese while singlehandedly saving every poor, desolate, wronged person that ever turned to the legal system for help. Instead, I found myself seated amongst 80 other students, reading case after case, avoiding the professor's gaze, trying to analyze what would be asked on the next exam. This wasn't at all what I had imagined. Where were the people whom I was sent to help? What had happened to the human aspect of the law from which the word "counselor" was derived? Well, I discovered that the answer lurked not in the books, nor in the professor's office hours. I found it in the Pro Bono Mentor Program.

This program gave me the opportunity to not just be a law student but to be a role model for a high school girl with academic and leadership potential. Many teenagers are not aware of the opportunities that are out there for an aspiring high school graduate who has dreams of a college education. My role was to explore these avenues with her, providing advice on everything from college applications and financial assistance to sorority rush.

It forced me to remember my own uncertainties about the application process: Who would want me? What do I want to study? Where do I want to live? Can I handle the work? These are fears which an average high school teacher might understand, but which I can actually remember. I believe that is why this program is so successful. It gives these students someone who can identify with their problems; this opens the door to friendships and comradeships that might be lacking in their relationships with high school teachers.

Every mentor is assigned a mentee who is a junior in high school. The group which forms consists of law school and high school students who meet for pizza parties and picnics as well as individual sessions one on one. Then we, as mentors, follow our students for the next two years until they are accepted into the college of their choice. At this point our duty is done, yet our friendships continue on.

The USD Pro Bono Mentor Program is a wonderful way to help someone who really needs your guidance. It also is a great reminder that in the midst of the job hunt, the exams, the papers, and the resume fillers, we don't just have to be an anonymous exam number. I am in law school training to be a counselor. And that's just what this program gives me the opportunity to do.

First and second year students, male and female, are needed to become mentors for high school juniors. The mentor/mentee match lasts until the end of the mentees' senior year. We also need a volunteer to coordinate this new mentor/mentee group. If you are interested in becoming a mentor or coordinator, please leave a message in Courtney Wheeler's mailbox.

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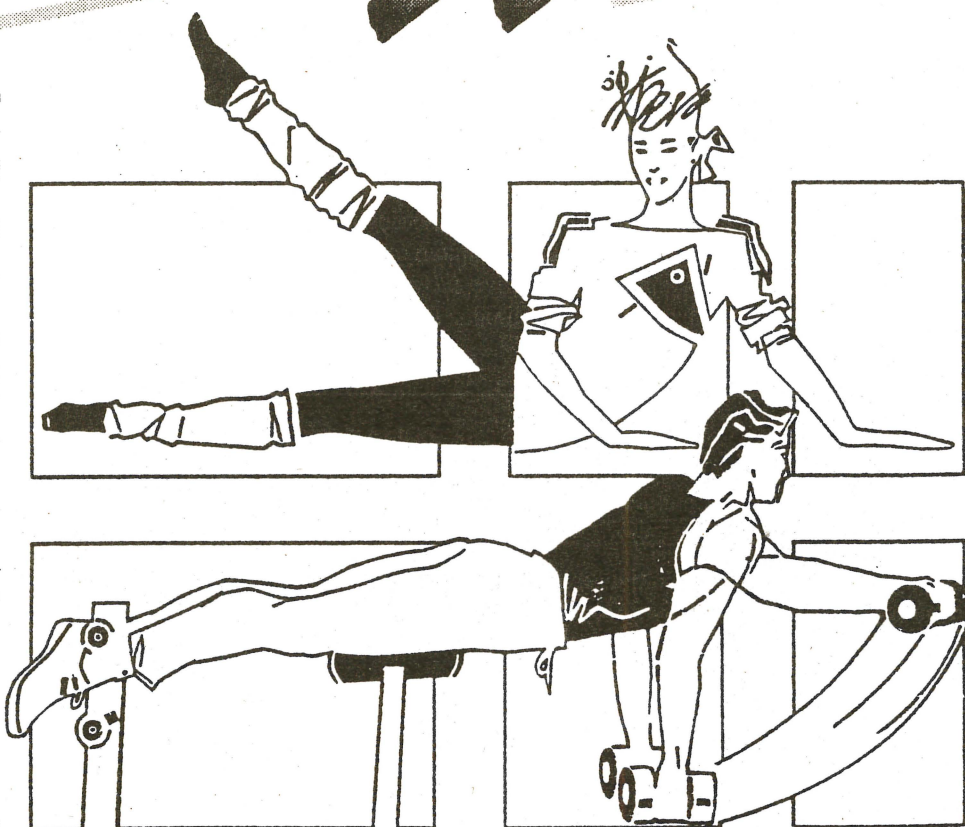
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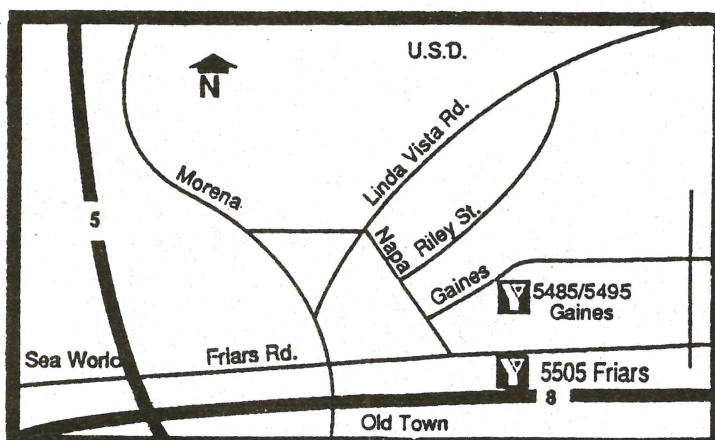
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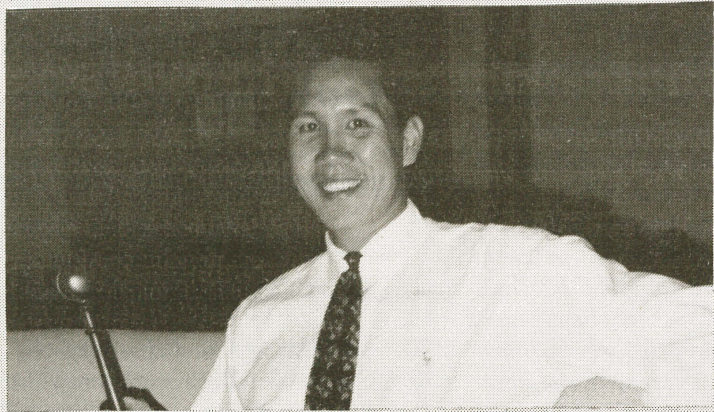
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## SBA President's Report



By Robert Chong

**W**e have now reached the halfway point of this administration. To all First Years: Congratulations on getting that first semester under your belts; to all Second Years: Congratulations, you are halfway home; and to all Third and Fourth Years: Yeehaw, it's home stretch time!

Last semester our biggest events were: First Year Orientation, Fall Picnic, Mentor Reception, Halloween Party and the Law Alumni Mentor Reception. This semester some of our main activities will include:

- Martin Luther King, Jr. Celebration
- VITA
- St. Patrick's Day Party
- Spring Elections
- Law Revue Talent Show.

Other activities tentatively scheduled include:

- A symposium on Gays in the Military
- An information session to compare the differences in Bar Review courses (not to be confused with Thursday night Bar Reviews)
- Race Judicata.

SBA plans to be very busy and very active up to the end of the school year. If you would like more information on any of these events or how you can participate, come by the SBA office or see your rep for more details.

Last issue I reported on some of the committees on which I sit. I failed to mention how fortunate we are that USD allows student representation on most of the committees within the law school, as well as the entire campus. Other law schools are less accommodating, and student representation is either not allowed or the students do not get a vote. I also failed to mention my involvement in the search to replace our school's Provost. I was part of the student-alumni committee which evaluated the final four Provost candidate to replace Sister Furay when she retires.

Because of time constraints, I am unable to sit on every committee. Other students were appointed to sit on these committees and make frequent reports to SBA. The following is a partial list of committees with an SBA appointed representative:

**SOCIAL ISSUES COMMITTEE:** Social Issues is a committee dedicated to expanding community awareness of social issues on this campus as well as the community as a whole. Annually the Social Issues Committee sponsors a community forum on contemporary problems such as gang violence, racial tension, and homelessness. Other past events have included co-sponsoring George Takei as a speaker, participation in Black History Month, and a mentor program for local high school youths.

**CURRICULUM COMMITTEE:** As the title indicates, the committee concerns itself with problems in the curriculum. Student input is valuable because we are the ones ultimately effected.

**UNIVERSITY BUDGET COMMITTEE:** The budget for the entire campus is determined at these meetings. Being a student in these meetings is like being a flea on an elephant - you're never really sure what's going on, and you wonder if your presence is even noticed. The meetings are pretty interesting though, with a lot of numbers being tossed around.

**GRADUATION COMMITTEE:** The Graduation Committee decides the commencement speaker for *next year's class*. In addition, the Committee coordinates the festivities for the graduating class prior to commencement.

**LIBRARY/PROGRAMS COMMITTEE:** The LRC (affectionately known as the 'Brar') is most interested in student comments and suggestions in helping make the library a more efficient and enjoyable environment (since we spend most of our waking hours there).

Other committees you may be more familiar with are the Halloween Committee, Orientation Committee, and the Fall Picnic Committee.

That's all for now. Regular meetings have begun. The time is still 4:30pm on Wednesdays in Room 2A.

## SBA Plans New Activities for the Semester

By Stacie L. Brandt

Motions Editor in Chief

**T**he Student Bar Association had its working lunch for the semester Jan. 21. Representatives of each organization presented their plans for the semester. The SBA finance committee will meet to hear budget requests Jan. 31.

**Women's Law Caucus** - Judge John Coughenour, a Ninth Circuit judge, will address gender bias on Feb. 4. Mary Ellen Drummond will present a job workshop Feb. 13, 10-4. The much anticipated annual WLC Faculty Auction is scheduled for Feb. 23.

**Phi Alpha Delta** - The annual PAD Beach Volleyball Tournament will be in Mission Beach near the rollercoaster the Saturday after Spring Break, Mar. 20. There will be two divisions of 2-person teams, expert and less than. A division for 4 or 6-person teams is being considered. Look for the date of PAD's Day with a Judge to be announced. The Student Phone Directory will be out soon. A ski trip to Mammoth is in the planning stages.

**More Hall PILF** - Besides a career forum, PILF is holding an auction and raffle Mar. 4. Their pledge drive is scheduled for Mar. 25.

**Land Use Planning** - Exciting events are being planned to coincide with the big Feb. 12 conference being held at the San Diego Convention Center.

**Jewish Law Students** - A Purim party for Passover will be held the week of April 4. JLS is also planning a joint event with Cal Western, UCSD, and SDSU groups.

**Gay and Lesbian Students** - GALSA will present a panel discussion on children and sex abuse this semester. Pot luck get togethers are also scheduled.

**Environmental Law** - A joint program with the Internat'l Law and Land Use Planning groups is in the planning stages to address racism in the context of environmental issues.

**Christian Legal Society** - In addition to scheduling five speakers for the semester, CLS is sponsoring an exam prep workshop and cosponsoring a discussion panel on women priests.

**Black American Law Students** - After a successful program which featured speaker Rosie Grier to honor Martin Luther King, BALSA is scheduling a remembrance for Malcolm X in March. Other programs will celebrate and inform about Black Arts and Music and the New Civil Rights Movement.

**Asian Pacific American Law Students** - APALSA will celebrate 1993, The Year of the Rooster, by screening "Raise the Red Lantern" Jan. 28.

## Leading German Constitutional Scholar Lectures on Reunification

By Jens-Uwe Hinder

**P**rofessor Klaus Stern gave a guest lecture at USD on Nov. 5. He is one of the most respected German professors of Constitutional and Administrative Law at the University of Cologne. He spoke about the legal and political problems of Germany after reunification.

Professor Stern divided his speech into four parts. The first part dealt with the division of Germany after the second world war and the integration of the two Germanies, one into the Western part of the world and the other into the Eastern bloc.

Then he described the revolu-

tion in the former East Germany in 1989. Once again, 200 years after the French Revolution, the idea of human rights and the great principles on which constitutions are based led to the capitulation of the communist dictators.

In the third part, Professor Stern addressed the constitutional crisis brought about by the restoration of German unity. He compared the two mechanisms of the German Constitution: Art. 23 of the Basic Law on the one side and Art. 146 on the other side. He explained the importance of this highly academic question for the status of Germany. Because Germany utilized its powers under Art. 23, the reunification was structured so that, rather than a new country being created, the former West Germany added new member states.

In the fourth part of the lecture,

Professor Stern discussed issues relating to the effect of German unity on international treaties.

Summing up, Professor Stern gave a very interesting and highly scholarly overview of the problems narrowly related to the reunification itself. However, the lecture failed to address the most current issues. It has now been two years since reunification occurred Oct. 3, 1990. The enormous problems it created include such issues as Germany's broad asylum law in Art. 16 of the Basic Law. Because the audience mostly seemed to have some idea about the reunification process, it was interested in information about more recent events. These questions remained unanswered; thus, German reunification was incompletely explained. A sequel is desirable.

## Gung Hay Fat Choy: Year of the Rooster

By Robert Chong

**T**he end of the calendar marks the ushering in of the new year. Champagne! Party Blowers! Parties! Dick Clark's Countdown! Rose Parade! Hangovers! Happy New Years!

For the Chinese, Vietnamese and other Asians who follow the lunar calendar, New Years is celebrated not on January 1st, but according to the first new moon. This year marks the year of the Rooster and falls on Saturday, Jan. 23. Traditional customs include firecrackers and lion dances to scare away evil spirits, money in red envelopes exchanged for good luck, and eating sweets and pastries for prosperity.

The Lunar calendar consists of twelve cycles, each symbolized by an animal. For instance, 1986 was the year of the Tiger, 1967 was the year of the Ram, and last year was the year of the Monkey. Like their animal symbols, each year and each person born in that year possess different characteristics. If you were born in 1993, 1981, 1969, 1957, 1945, 1933, you are a Rooster.

The Rooster is the Don Quixote of the lunar cycle - the dauntless hero who must look to the earth to survive. He is the most misunderstood and eccentric of all the signs. Outwardly he could be the epitome of self-assurance and aggression, but at heart he could be conservative and old-fashioned. There are two distinct types of Roosters, one rapid-firing and extremely talkative, the other a deadly solemn observer with X-ray vision. Both are equally hard to deal with.

The Rooster is sharp, neat, precise, organized, decisive, upright, alert and most direct. He can also be critical to the point of brutality. Don't ever ask for his candid opinion as you may never recover from his comment. He loves to argue and debate and show how knowledgeable and smart he is, sometimes with little regard for the feelings of others.

The year of the Rooster tends to be overconfident and to come up with nonsensical plans. It would be better to stick to practical and well-proven paths; no get rich quick schemes this year.

APALSA will celebrated the New Year on Jan. 28 with food and festivities. In conjunction with SBA they will screen the film "Raise The Red Lantern" and serve foods from a variety of cultures.



# Northern Summer Exposure

By Kathryn Turner Arsenault

*This is the second part of a two part article. In the Dec. 2 issue, Ms. Arsenault departed in her Honda Civic for Palmer, Alaska, on May 18, 1992. That summer she worked for the Alaska Public Defender Agency and kept this diary.*

June 7 - During bail reviews today, Les, one of the lawyers, introduced me to a magistrate and told him I wanted to appear in his court unaccompanied by a lawyer. In his chambers, Judge Zwink asked me about my education, job background, why I was in Alaska. I told him that Rule 44, section 5, specifically addresses legal interns and their ability to appear in court, unaided, for clients. Les and the judge laughed and said, "You can tell they're in law school when they know the code sections."

June 19 - The bail system here is not at all like California's. If a person has no priors, or even priors but not for the same thing, he or she gets out on their own recognizance. If a person has a prior for a crime like spouse abuse, drunk driving, or driving without a valid license, Alaska law provides for a third party custodian (TPC). A TPC has to be a person without a criminal record, responsible, and able to be with the defendant 24 hours per day (if the defendant is a "danger to society," i.e., repeat drunk driver, wife beater) or with the defendant only during certain hours of the day (if the defendant just needs someone to make sure they are still in Alaska).

My job is to appear in court every afternoon at 1:15 and represent newly arrested defendants for arraignment or do bail reviews for those who have already been arraigned and denied bail. The judges take turns being on call. As far as I can tell, all arrestees are arraigned within 24 hours of arrest. When I worked in the San Diego County jail last summer, the arraignment schedule was very lax (but constitutionally so). If a person was arrested for a felony after 12:01am on a Thursday, they were arraigned on Monday, or Tuesday if Monday was a holiday. In addition, once they were arraigned or had bail posted, it could take 8 hours for release. Here in Alaska I can represent a man at arraignment; he is taken back to jail and is out of custody and back at the courthouse to talk to me before I have finished arraigning the rest of the clients.

Defendants also have a number of ways they can post bail: assign their Permanent Fund Dividends (oil money) to the court; post an unsecured bond (which does not become collectible unless defendant fails to appear); go to a bailbondsmen; or be released to a TPC with no need to post bond.

I go to court by myself every afternoon for the misdemeanor arraignments and bail reviews. Some-

times I don't really say or do anything; the defendant has a good record and the judge O.R.s him. Other times I work my butt off: making phone calls, lining up a 24 hour custodian, preparing the custodian to testify under oath, and the defendant stays in jail - even sometimes when I have made two attempts on consecutive days. The funny thing is that some clients are absurdly grateful for my assistance and thank me tearfully. The other ones might say, "Get the \_\_ away from me, woman! I'm not getting out of jail, and it's your fault." (Like they don't have 50 priors.)

June 25 - The Anchorage paper has a story about one of my clients. He is 19 years old, a striking native with waist-length black hair. He had no priors, and I got him out O.R. He was arrested one week later when he and a juvenile attacked a man, chased him six blocks, stabbed him in the hand, beat him over the head with a rock, and robbed him. The troopers hunted the client through the streets of downtown Anchorage with dogs. If I weren't so tired from all the late nights I have been working, I would care. As it is, I'm just numb.

June 29 - I didn't realize it, until [my husband] Art told me there was an eclipse, but I have not seen the moon, nor any stars, since British Columbia. I can't see the Northern Lights because it is summertime, and there won't be any



CECILY, ALASKA: Not! Try Roslyn, Washington.

fireworks displays for the Fourth of July. (There will be lots of noise, though; fireworks are legal in Alaska.)

July 6 - Bears have been much in the news lately. One 34 year old woman who was staying with her husband at her family's cabin on Lake Louise was eaten by a black bear who had come in through a window while they were sleeping. It chased them out of the cabin, and onto the roof. They decided that the husband would make a run for the boat to get a gun. By the time he returned fifteen minutes later, the bear was eating the woman's face. The bear was shot and the woman buried at the cabin.

Black bears are not really that big, about five feet and 150 pounds when fully grown. It's the grizzlies that weigh over 500 pounds. One kind of bear can be scared off by yelling or chasing it, but the other kind cannot be scared, so you should play dead. If you play dead with the bear that can be scared, it will eat

you. The newspaper said there are approximately 200 bear-people confrontations every year. There are one million acres in the Chugach park area, and they *think* there are 250 to 300 bears. That may not be enough room for them.

July 7 - People call the mos-

quito Alaska's state bird. I have dozens of bite marks in various stages of healing on my legs and arms. One guy went to Providence Hospital in Anchorage this past weekend with a gunshot wound to his leg. He was tired of just swatting at mosquitoes, so he tried to shoot one off his thigh.

I got my first look at combat fishing this weekend. Hundreds of people in waders stand elbow to elbow hip high in 35 degree water. Everyone casts and reels in over and over. There are big guns (for bears trying to steal the catch), big bullets, big bottles of booze, and fish (six feet long). No one stops during weekends because fishing season starts at midnight every Friday and ends at midnight every Sunday. At any salmon-running river in Alaska at 3am you will find dozens of people lined up on the banks pulling in one fish after another. Bait isn't used; salmon bite because they are on their way to their birthplace in a sexual frenzy

## CALI Exercises in the LRC Computer Instructional Laboratory

By Michael White

The University of San Diego School of Law is a member of the Center for Computer-Assisted Legal Instruction (CALI). CALI is a consortium of over 120 law schools. It was formed in 1982 by the University of Minnesota Law School and Harvard Law School to coordinate the distribution and use of computerized instructional materials relating to a typical law school curriculum. The USD School of Law, as a CALI member, receives a library of interactive computer-based lessons each year.

The CALI exercises are written by law faculty, regularly reviewed by recognized experts, and then revised by the authors.

The format of the individual exercises varies according to the educational objectives of the author. Some authors use the setting of a simulated trial to provide students with an opportunity to test their understanding of an area of the law through assuming the role of an attorney or a judge. Other exercises individualize the classroom tutorial experience by leading the students through a series of questions requiring them to identify relevant issues and apply recently learned concepts. Some exercises drill students on the interpretation of cases and statutes.

The current library of CALI exercises covers twenty legal education areas. The tutorial topics include: accounting, arbitration, civil procedure, commercial transactions, contracts, corporate law, criminal law, employment discrimination, evidence, federal courts, insurance law, labor law, legal research and writing, professional

responsibility, property law, securities regulation, tax, torts trial advocacy, and wills and trusts.

The CALI exercises are available now in the Computer Instructional Laboratory of the Legal Research Center. To access a particular tutorial go to the Computer Instructional Lab (LRC 126), select CALI from the main menu, and choose a tutorial subject. A few of the CALI tutorials indicate materials are required for review before using the lesson. Ask for any accompanying CALI materials at the LRC Circulation Desk. If you have any questions or comments about CALI, please contact the Reference Desk at the LRC.

*The author is Associate Director of the Legal Research Center.*

to lay eggs. The constant plop plopping of bobbers on the water as they swim by infuriates them until they will lunge and bite at anything.

Only fish that bite the hook can be kept. Fish hooked anywhere but on the mouth must be returned to the water. One man was arrested for keeping salmon that he had hooked in the back. When the wildlife officers arrived, he and his family had over 160 huge fish lying on the bank. His excuse was that he just got so excited by "hooking" the fish that he couldn't stop himself.

July 10 - I have been working very hard on "my" case. The client is charged with two counts of criminal contempt. I couldn't figure out how to get records because only personal appearance subpoenas are available in criminal cases. Michael told me he had a hard time, too, until he subpoenaed people to come with their records to a court date for the same case on an unrelated matter. The day before, he tells the recipient that they need not come to court if they give us copies of their records before the date. I tried it and ended up with 250 pages of really juicy stuff. Michael laughed and told me, "Go wash your hands. You just did a sleazy, dirty defense lawyer trick."

July 17 - I was in Valdez this week helping Les with circuit court appearances. It is a six hour drive through hundreds of miles of pristine trees and cliffs, dozens of spectacular waterfalls and the Worthington glacier. The blue-green color of glaciers and their river runoff is unmistakable. Where two rivers meet, the blue-green water of one and the brown water of the other run side by side for several hundred yards.

Les represented Alaska in the Exxon Valdez case for two years, so he knows all about the bars where Captain Joe Hazelwood drank. We took a "Joe Hazelwood Tour of the Bars" and had dinner at "The Pipe-

line," one of the places where good ol' Joe drank "a clear liquid" (probably straight vodka). Alcohol is a big problem here. Les says most of our clients ride their bikes to the courthouse because all of their driver's licenses have been revoked. I have met several people who have lost their driving privileges until 2024.

July 20 - I want to take back everything I have said about Alaska being too green and not having enough color. Spring just doesn't get here until mid-June. Wild flowers are everywhere. First, yellow dandelions cover lawns. Once the yellow petals turn into those puff-ball, seed-spreading demons, everyone decides it's time to get out and mow.

July 27 - Joe Hazelwood's conviction has been reversed based on a law that says a person who reports an oil spill cannot be prosecuted for spilling that oil.

August 15 - One other way that Alaska is unlike California: in California, once you do public defense or prosecution work, you are marked for life. Not so here. In fact, Nome has just one public defender and one district attorney. A couple of years ago, they decided they didn't like their respective jobs anymore. They switched.

August 22 - Home. Art flew up on the eighth to drive home with me. We took our time - nine days to cover 3,700 miles. Stayed three days at Valdez. Meandered through the Yukon. Saw Mt. Rainier and Mt. St. Helens. Stopped at Roslyn, Washington (aka Cecily, Alaska). Had a drink at the Brick. Shopped at Ruth Ann's store. Pressed our noses against the windows at Maurice's radio station. School starts Monday.

December 1 - I dreamed I was back in Alaska. I woke up happy.

*The author is a fourth year evening student.*



## USD Opportunities Abroad

By Cindy King

The University of San Diego School of Law will offer clinics in London and Paris this summer, as well as study by the English tutorial method in Oxford. In Paris and London, second-year students may work for credit in law firms and corporate counsel offices specializing in EEC law and international business law. There are also Paris internships with international organizations. Most of the placements are for six weeks.

The law firm clerk's work depends on the legal problems in the particular office. Students can expect to do research and draft contracts, opinion letters, and memos. They may participate in client interviews, negotiating sessions, and firm strategy planning meetings.

In London, credited six week internships with barristers that cover a full range of English trial work are available to both first and second year students. Non-credit internships may be available in Mexico with international law firms.

Students enrolled in the Oxford tutorials study law in the English manner by researching and writing papers and discussing them one-on-one with Oxford dons.

The clinics and tutorials operate in conjunction with USD's six summer programs abroad. They are: Dublin on international human rights; London on international business; possibly Mexico on law of the Americas; Oxford on non-business, Anglo-American comparative law; Paris on international and comparative law, generally; and Russia/Poland on east-west trade and socialist law.

An informational slide show will be shown Feb. 10, 4-5:30. A reception and discussion with last year's Institute students will follow. For further information contact Cindy King, 5998 Alcalá Park, San Diego, Calif. 92110-2492.



**GRAFTON STREET, DUBLIN:** San Diego's "Street Scene" pales in comparison to the daily festivals held a few blocks from Trinity College.



**GUANAJUATO, MEXICO:** Located 160 miles from Mexico City, Guanajuato will be the site of USD's Mexico study abroad program this year. A small, colonial town, it is home to five museums, four theaters, and Diego Rivera's birthplace. Pictured is one of the spectacular monuments that can be found in Mexico City. The recent free trade agreements make study in Mexico even more relevant.

# STUDY ABROAD

*'Jobs are always hard for first years to find. This year the job situation is so impossible, they might as well go to summer school in Europe.'*

Unlabeled Administration source



**MAGDELAN COLLEGE, OXFORD, ENGLAND:** Pronounced Maude-lynn, not Mag-de-lynn, this college is the site of the Oxford program. Medieval buildings and manicured gardens make this an ideal locale to spend your summer.

## Not Just for the Ruling Classes: Oxford

By Stacie L. Brandt

Oxford appealed to me over other international study programs for the summer of 1991 because we share a common history and language of sorts with the Brits. At the time I was playing some tennis, so I packed my dress whites in anticipation of verdant lawns with nets strung across and handsome, young (or not so) dukes in navy blazers heading me a champagne after a glowing set.

The EEC tutorial I took from Bernadette Lynch was great. Oxonians study law as undergraduates, meeting individually or in small groups with tutors. The basic philosophy of higher education there assumes that students know about politics and history and can think before they arrive.

Each week I met alone with Professor Lynch to read her six page paper I had written about the week's assignment. We discussed my observations. Then she assigned the next week's topic and reading list. The process gave me a deeper understanding of the subject than I have experienced in other classes at USD.

The class required a few hours in the library three days a week. The Oxford's Bodleian Library rules haven't changed since books were a medieval rarity. To be a reader, one takes a pledge in a half hour ceremony to treat the books carefully. Removing any book from the shelves requires placing a note with your seat number in its place.

Everything in Oxford is expensive. The pound was \$1.75 then, and prices that would have been fair in dollars were prohibitive at closer to twice the amount. Breakfast is provided on weekdays at the Magdalen dining hall. The coffee was bad, and the sausages left pools of grease, but the tea was okay, and

between America and Europe. Professor Siegel was full of tips on where to find the best pipe organs, wine, and pate de fois gras in Paris.

The European Community Law class I took this summer was especially interesting because it was a timely issue for Parisians. I was fortunate to be introduced to a few English speaking Parisians and to hear their perspectives on the EC. I benefited immensely from the variety of people and ideas and the unique environment of Paris. Six weeks gave me an overview of life there, more from outside the classroom than from in.

Many memories from my trip stand out in my mind. Walking into Coullioure, a small town in the south of France, at eight in the morning, we bought fresh croissants and strawberries, walked up to the pier, and sat and watched the town slowly wake up. One thing that I'm sure to remember is the fear and excitement I felt as I ran down the streets of Pamplona with six bulls somewhere behind me. I don't know who he was, but I still laugh when I think of the guy who passed me while I was running. Except for his tennis shoes, he was naked.

By Mary E. Maloney

After a fifteen hour journey, a struggle with two months worth of luggage, and searching to find the local bus into Dublin's City Centre, I was ready to start my adventure. I had been to Ireland once before, but this time I was going to study at 400 year old Trinity College. I would overlook the fact that they stole the land from the Catholic monks.

The bus ride into town really showed the warmth and fun for which Ireland is famous. Before boarding, the conductor helped weary travelers with their baggage. I was surprised; in New York bus drivers slam doors in your face. At one stop the conductor jumped off the bus to help a young mother set up her baby's carriage. I was the last stop. When I went to pay my fare the conductor told me the fee was 20 pounds. I said, "Fine way to treat a stranger," knowing that everyone else had only paid one pound and a half. The driver told me, "You're not a stranger. You're just used to the place yet."

I spent the next six weeks taking his advice. I found classes on the program to be very interesting, especially the ones with Irish professors and students. A



**CHEWING THE FAT:** Guy Grande visits with Poles during his studies.



**ART SEINE:** Art displays for sale or just for viewing line the bridges along the Seine river in Paris.

## More than a Great Pint of Guinness: Dublin

quick wit, a finely tuned intellect, and a cleverly crafted presentation all lead to a refreshing exploration of legal problems at home and abroad. I was so enthralled I deviated from my initial plan to spend every night in the pubs to spend a few nights studying.

The weekends were put to good use by traveling around Ireland or staying closer to home in County Dublin. One

weekend, four friends and myself squeezed into a Micro (a tiny car designed for midge) for a tour of beautiful parts of County Kerry. I had the advantage being the driver, as I was afforded plenty of leg room. Despite the cramped conditions, the sites were breathtaking, the salmon melted in our mouths, and the pubs were lively with plenty of music and crack (fun talk).

## People and Society Changing: Russia/Poland

By Guy Grande

I had a tough decision to make after my first year in law school. On the one hand, baseball's All-Star game was coming to San Diego, and the NBA playoffs were around the corner. The thought of not being in front of a television set for a major sports event always makes me nervous. On the other hand, I had the opportunity to study in Russia and Poland and do some traveling and sightseeing on the side. Needless to say, Eastern Europe won over home runs and hoops.

In the past, not having enough money or missing sports events kept me from traveling. This time the urge to see a region of the world that was in such state of flux was too irresistible to pass up. Plus, the money was easy to borrow.

The Russia/Poland program offered two classes: Socialist Law and Eastern Europe; and the Move to Market Economies. Both classes gave me insight into the former Soviet political and economic infrastructure and helped me understand the complex changes taking place in Eastern Europe.

The most important aspects of the entire trip were soaking up the culture and meeting the people of Eastern Europe. The cliché "be happy with what you've got" rings true when you experience a tiny part of what the Russian people have endured for more than 75

years. Our dinners consisted of either boiled meat or fish, a cold "root" vegetable, and a warm cola. Eating was made easier when I realized that this was an unattainable feast for the vast majority of Russians. Bathing was a little tricky, as the hot water in Moscow is centrally controlled and shut off for eighteen days during the summer to fix the myriad of broken pipes throughout the city. We were in Moscow for the very same eighteen days.

Russians seem to take all this in stride. Either this is a reflection of the great character of the Russian people, or they have been conditioned to accept things as they are.

Compared to Moscow, Warsaw was a bustling and energized metropolis. New storefronts were opening everywhere. The Poles seemed to be embracing the free market system with open arms. However there was a trade-off for this new enterprise: the lifting of price controls and escalating inflation had driven prices beyond what many people could afford.

During my stay, it was easy to detach myself from the change that was going on around me. But for someone who had never traveled east of Yuma County, studying in Russia and Poland gave me a new understanding of the changes taking place in the former Soviet Union and Eastern Europe. Most importantly, I came away with new found sympathy and compassion for the people of an entire region trying to change their society and achieve a better way of life.

## So Many Pubs So Little Time: London

By Nathan L.

The London summer program offers the perfect mix of school and recreation. The average day consists of rolling out of your bed and landing in the middle of beautiful Regents Park, attending two morning classes, and spending the rest of the day wandering around London.

The city itself requires little comment except that you'll run out of time before you get to see all London has to offer. Whether it's riding the tube to see sights such as Big Ben, Buckingham Palace, and Westminster Abbey, reading up on the affairs of the royal family, seeing a famous play, attending Wimbledon, cruising the streets of Soho, or checking out the

inside of some of London's jovial and welcoming pubs, you are guaranteed never to get bored. If you get sick of the town, relax with a couple of games of lawn tennis or basketball on the private courts provided by the London Institute, or smell the roses in Regent's Park.

In our global economy International Business Transactions is an extremely useful class (which employers love), and EEC Law will be highly relevant if the member countries of the EEC ever manage to agree. Last summer the class included people from many different U.S. law schools and students from Germany, Italy, Finland, and Canada. This fostered interesting class discussion and some intellectually stimulating trips to the pub.

Which sounds like more fun to you: filing documents for some starch-eating senior partner all summer, or going to a couple of classes every morning to jump start your brain for an afternoon of sightseeing and a couple of late afternoon to early evening pints of ale?



**THE TUCK SHOP, OXFORD, ENGLAND:** Oxford's version of a 7-11, without Big Gulp.



**FOOD:** When ordering food in a foreign land, Motions recommends the point and shoot method. You never know what you'll get, but you might be pleasantly surprised.



## Especially Distinguished Alumni Corner

## Out of Africa: Gringo on Safari

By Jeff Gaffney

First of all, it's big. Now, I don't mean big like how my butt looks in white shorts - I mean REALLY BIG. Big like the sea, like the sky, like the reading Horton assigns. Gargantuan.

Next, it's primitive. I don't mean primitive like the way I act on a date - I mean REALLY PRIMITIVE. Primitive like cave men, like animals in the wild, like the outhouse on my aunt's farm. Primeval.

Lastly, it's beautiful. No, I don't mean beautiful like a girl in a string bikini - I mean REALLY BEAUTIFUL. Beautiful like stars, like a thunderstorm in the mountains, like finding out that someone you absolutely can't stand has failed the bar. Stunning beyond words.

I had realized that, by some unplanned good fortune, if I went to summer school again, I could graduate law school a semester early. Having lived in the Orient and travelled Europe and the Pacific Rim, the only sensible choices were Africa and South America. Because the prospect of spending the summer skiing in Chile left me cold, I was Africa bound.

I hated it. The flea bag hotel near the University of Nairobi sucked. My roommate acted like he was going to crawl into bed with me some night. The students divided themselves along racial lines almost immediately. The city was heavily polluted by burning garbage and diesel fumes that would not dissipate because of Nairobi's Denver-like position one mile high and surrounded by mountains. The food sucked, the weather was cloudy, and the professors had succeeded in making me believe that they would actually expect work out of us (they didn't). Worst of all: no babes. Okay one, but she labeled me as a Yankee right

**'I did not want to go on no goddamn safari, but I had paid for it up front so what the hell.'**

away and gave me the most polite cold shoulder I have to date received. By the end of the first week I wanted only to survive the constant fever and diarrhea long enough to get my credits and go home.

By the first weekend (al-

ways at least three days), I did not want to go on no goddamn safari, but I had paid for it up front so what the hell. We all prepared for it as best we could by staying in the hotel bar until after closing, drinking with the help until three in the morning. Armed with my safari hat, safari camera vest, and a

**'As my hangover was reaching a dangerous level, the van climbing in and out of pot holes like some lunar rover, the trip became worthwhile.'**

hangover of monumental proportions, we headed out in vans over what in Africa passes for roads. These were not roads as you and I know them, nor even as our remote ancestors of the eighteenth century knew them. These were roads such that goats would shun, we took them nevertheless.

#### The Real Africa

As my hangover was reaching a dangerous level, the van climbing in and out of pot holes like some lunar rover, the trip became worthwhile. The line of vans suddenly rounded a bend, and there we were, on the escarpment. Now I could see the real Africa! The escarpment overlooks a plain of such magnificent beauty and expanse and natural wonder that I could never possibly describe it. I could see all the way to the mountains on the other side of the plain, the distance between looking like the width and breadth of Texas. It was a verdant belt of green and brown grasses with almost no sign of human habitation. If we were in America, this would be a Kodak scenic viewpoint. As it was, the place was a local shopping mall for purveyors of sheepskin hats, carvings, jewelry and trinkets. Hangover forgotten, I fell in love with Africa then and there.

Long before we reached the game preserve, we saw critters all along the road: giraffes, zebras, and lots of what we experienced safari guys call DLTs (Deer Like Things are venison on the hoof in all its forms, gazelles to impalas). Once we reached the Masai Mara game preserve on the Kenyan

side of the Serengeti, we saw every varmint you can remember being bagged or tagged by Marlin Perkins and his unfortunate friend Jim: lions, cheetahs, baboons, elephants, wildebeests, and cape buffaloes.

The safari camp was a mass of fig trees surrounded by a moat, where we stayed in very nice tents with private baths. We had a pool, live entertainment (dancing Masai warriors), and the most sumptuous cuisine imaginable under the limited circumstances (mmm -green banana stew!). We were

wined and dined and shown the wilderness, and at night we fell asleep to the sound of lions roaring while a Masai guarded us with a spear. As we headed home a few days later, we stopped at a Masai village, and I was filled with both wonder and disgust at the native life style.

My second safari was in Tanzania at the Ngora crater. With only one land rover, it was much more personal than the large, Masai Mara group safari. We slept in pup tents. Thankfully, there was a bar at the campgrounds. Tanzania is very much like Kenya, but the face of a different totalitarian ruler replaces the Kenyan visage of President Moi. They do have a very interesting local drink called Konyagi, which is like 80 proof Triple Sec. The locals pour it in their beer.

Tanzania also has beaches and islands that should not be missed. The overnight train to Mombasa (only one night with no breakdowns) takes you to white sand beaches where the reggae music and lobsters flow. The reef is great for diving, with none of the Indian Ocean's famed hammerhead sharks. The island of Lamu was recommended to me for its atmosphere and Muslim ruins, but since the Somali rebels were attacking it like Vikings on a raid and killing the tourists, I decided to give it a miss.

My International Environmental Law class was taught by a local professor and was particularly outstanding. The internships were well beloved because they were all with the United Nations, which runs all its environmental programs out of Nairobi. For all you politically active types, the PLO keeps an office right down the street.

Nairobi itself is a large city, very almost modern, with flushing toilets and Wimpy burgers, the whole

nine yards. Watch out for the con artists. My favorite spoke perfect English and better French and Japanese than I. He asked where I was from and what a coincidence! he just got a scholarship to Cal Poly from the missionaries and

could we go talk about America? He was pretty convincing, and I didn't mind the dollar fifty for

lunch, but then he put on the bite: he had just escaped from the Sudan and was trying to make it to the coast, his friends were dying of malaria, and the police were after him! I gave him a dollar or two for the entertainment value. Apparently I had the sucker stamp on my forehead

because two other guys tried the same lines soon afterward. By the way, DO NOT GIVE THEM MONEY. It is illegal, and the police will pick you up and shake you down for a very sizeable sum. There were even rumors of police working directly with

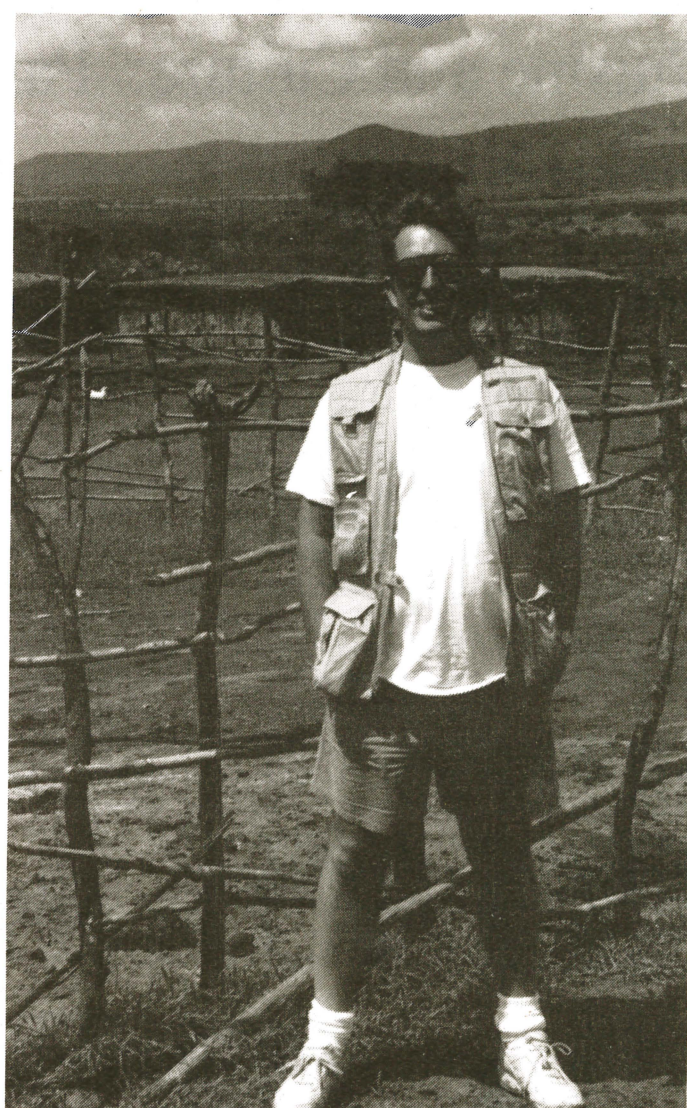
**'We were wined and dined and shown the wilderness, and at night we fell asleep to the sound of lions roaring while a Masai guarded us with a spear.'**

these "businessmen."

The restaurants and night life were limited. The Carnivore was a great all-you-can-eat-meat restaurant where I had zebra and impala. The "nightclubs" were a little dangerous: I heard rumors of people having their drinks drugged and of entrepreneurial working girls locking your date in the ladies room to get at you. Eighty percent of hookers are estimated to be HIV positive. Our best defense was to hold hands with any girl we went in with and pretend to be married.

#### Icky Critters

My third safari was at Samburu in Kenya. There the guards were regular army carrying Belgian automatic rifles. Instead of the usual cute little monkeys in the camp, big, ugly baboons swaggered around in a pack while we relaxed by the pool. Icky critters. A nice backyard off the dining area had a sign in four languages, "Beware of crocodiles." But, like all professional safari



**GRINGO EXPLORES THE BUSH:** Sporting his safari camera vest, the author poses in front of a Masai village while on his first safari.

camp, it had great food and wonderful service, and you could get close to some of the most amazing and magnificent creatures on the face of the earth.

After what passed for finals, I went to Zanzibar. Exotic, romantic Zanzibar,

not stop these intrepid explorers! It cost about \$600, and the trip is always longer than six days because of mechanical problems. It is worthy of note that no one was ever disappointed. For the same money and time you can also play with chimps.

To enroll in classes in Nairobi, contact Professor Kelly at Widener School of Law in Delaware. Be forewarned: Widener has the most abominable

administrative staff in the known universe. Pygmy tribes in Australia have adopted the word "widener" into their language to mean "something slow and useless." No brontosaurus was ever so sluggish, nor Congress so feeble, nor French waiter so intentionally inept, as the administrative support staff at Widener. Put up with it, and call me for travel hints before you go.

In summary: GO TO AFRICA. You will never find a more beautiful or worthwhile trip anywhere on the planet. Despite the hardships I encountered, it was the most personally rewarding experience of my life.

*The author ('92) will practice securities law as soon as he passes the Bar.*

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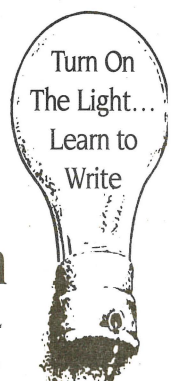
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## SCHEDULE OF SEMINARS

### MILPITAS/SAN JOSE

- Saturday, February 20, 1993 : Noon-6:00 pm
- Sunday, February 21, 1993 : Noon-6:00 pm
- All sessions will be held at the Crown Sterling Suites Hotel, 901 Calaveras Boulevard, Milpitas, in the Sevelle Valencia Room. **LIVE PRESENTATION.**

### SAN DIEGO

- Saturday, February 27, 1993 : Noon-6:00 pm
- Sunday, February 28, 1993 : Noon-6:00 pm
- All sessions will be given **live** at the California Western School of Law, 350 Cedar Street, San Diego, in the Auditorium.

### ORANGE COUNTY

- Saturday, March 6, 1993 : 9 am-12:30 pm, 1:30-4:00 pm
- Sunday, March 7, 1993 : 9 am-12:30 pm, 1:30-4:00 pm
- All sessions will be given **live** at Pacific Christian College, 2500 E. Nutwood at Commonwealth, Fullerton (across from California State University, Fullerton), Second Floor, Room 205.

### LOS ANGELES

- Saturday, March 13, 1993 : 1:00 pm-7:00 pm
- Sunday, March 14, 1993 : 1:00 pm-7:00 pm
- All sessions will be given **live** at the Ramada Hotel, 6333 Bristol Parkway, Culver City. Room location will be posted in the lobby.

### RIVERSIDE

- Saturday, March 20, 1993 : Noon-6:00 pm
- Sunday, March 21, 1993 : Noon-6:00 pm
- All sessions will be held at California Southern School of Law (formerly Citrus Belt), 3775 Elizabeth St., Riverside. Room number will be posted on the day of the seminar. **VIDEO PRESENTATION.**

### ORANGE COUNTY

- Saturday, March 27, 1993 : Noon-6:00 pm
- Sunday, March 28, 1993 : Noon-6:00 pm
- All sessions will be given **live** at the Radisson Suite Hotel, 2932 E. Nutwood Avenue, Fullerton. Room location will be posted in the lobby.

Course Lecturer for this Session Only:  
**PROFESSOR MARA FEIGER**  
Attorney at Law • Legal Education Consultant

Professor Feiger is an experienced criminal defense trial advocate currently practicing for the Public Defenders office in the County of Riverside. She is a graduate of Western State University of Law where she was the President of the Student Bar Association and earned multiple Moot Court Awards. Professor Feiger has extensive training in the Fleming method and has lectured for Fleming's Fundamentals of Law for the last three years. Her experience and training makes her uniquely qualified as a Writing Course instructor.

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## Dining Services Has Feelings, Too

I am writing in response to Christopher Trunzo's opinion piece about the USD Grille ("Bagging the Grille," Dec. 2, 1992). Since Mr. Trunzo failed to speak to anyone in Dining Services prior to writing his article, he had to rely on his perceptions and assumptions in drawing his conclusions. Had he elected to research his article, he would have found out that:

- Dining Services, well aware of the "flow" problem in the Grille, has been working to remedy the situation. Taking fry orders at the pizza register and adding a third register were two immediate changes. During Intersession, Dining Services will be remodeling the back production line in an effort to increase production and improve the speed of service. We will continue to look for ways to improve service within the limits imposed by the space available.

- Dining Services contacted Cardiff Coffee Company, negotiated their contract, determined that the cart would be placed behind the Law School (after consultation with Dean Strachan and Carrie Wilson), and shared the costs of running electrical lines to the site. All of this with the interests of the Law Students in mind.

- The students who work for Dining Services are not subsidized by the government. Perhaps Mr. Trunzo has confused Dining Services employees with Work Study employees. Dining Services pays the full costs of wages and benefits for our employees. Indeed, if these students worked elsewhere, there might be a need for more financial aid on campus, necessitating a rise in tuition.

- Dining Services has always prided itself on its responsiveness to student concerns and needs. We meet with representatives from AS, the Student Issues Board, and Student Senators, as well as interested customers. We have comment cards available for customers, and we read those and make changes based on them. We have worked with the Conservation Club on campus, Campus Ministry, Residence Life, student clubs and the AS. Last year, I attended an SBA meeting in order to gather input from the Law Students on how Dining Services might better meet their needs.

In closing, Mr. Trunzo has chosen to address Dining Services as some nameless, faceless, impersonal corporation. His choice of descriptors: *wierd-burgers* [sic], *salt-fries*, *greaseball pizzas*, *nastyfoul* brew and *swill* point to his insensitivity to the people who work hard to serve him and his fellow customers. I would invite Mr. Trunzo to come over and meet Terence, Esther, M.T., Holly, Calvin, and all of the students who are doing their best to provide good food and service, and to be responsive to the USD Community. Perhaps he would find that this "monopoly" has his interests at heart.

Rudolph Spano

Director of Dining Services

## Thou Shalt Not Kill

In response to Mr. L. Lucarelli's commentary regarding the death penalty ("The Death Penalty: A Matter of Justice," Dec. 2, 1992), I would like to point out that the death penalty conflicts with the tenets of Christianity and all religions which believe in a loving Higher Being. By killing people deemed unworthy to live because of acts they have committed, our legal system kills to do "justice," according to Mr. Lucarelli. What exactly is justice, anyway? "Justice" is a value-laden, non-universal concept. It is frightening that Mr. Lucarelli uses such an ambiguous term to excuse murder via the "death penalty." Upon closer examination, it is clear that the death penalty is actually counterproductive to the concept of "justice" cryptically described by Mr. Lucarelli in his article: our legal system blatantly and efficiently promotes murder, precisely because it tolerates and utilizes the death penalty.

Jesus Christ, who himself was a recipient of the death penalty, poignantly illustrated how effective teaching by example really is. History reflects that He healed the sick, forgave those who had trespassed, gave food to the hungry, and performed a myriad of miracles to illustrate the love of God. In contrast, Mr. Lucarelli charges that "justice is served by giving those who have wronged society the death penalty, which while "not a general deterrent," is a "specific one." Does Mr. Lucarelli seriously question why the death penalty is not a general deterrent? No. I assert that the death penalty is not a general deterrent to heinous murders because it is a facilitator of them. Just as Jesus Christ taught us to walk in love through his merciful actions and example, our society's endorsement and use of the death penalty teaches our citizenry to embrace murder as a valid means for accomplishing goals.

By engaging in murder, we send the opposite message to that of Jesus Christ. The failure of the death penalty to do "justice" by ending life, is that as Jesus taught, life is eternal. Christianity, among many other religions, also tells us that not only do "bad people" have to answer for their acts, but so do each and every one of us. Thus, it matters not whether we loudly call for the death of those like David Raley, or complacently, silently acquiesce to this barbaric notion of justice: each of us commits murder every time a death row inmate submits to a thrown switch, an injection, gassing, or a hanging. We, both as a society and individuals, are accountable for these acts and their consequences. Therefore, just as David Raley can be branded a murderer, so can we. The words which Mr. Lucarelli cavalierly used to assess the death sentence of David Raley may in turn be applied to us: we have "earned" as harsh a judgment, "fair and square." "[Every time society kills in the name of justice we show] a complete disdain for the value of human life and...have acted accordingly." God Bless you, Mr. Lucarelli, and God Bless us all.

Dawn Hamilton

USD Law '93

## 'Olympian' Reminded of Days with Motions

I recently read a copy of *Motions* and wanted to express my appreciation for what a fine job you are doing with the paper. I am a 1988 law grad who worked on the paper's first incarnation as "Motions." We jettisoned the old "Woolsack" and turned the paper into something that the law school could be proud of. I am happy to see the tradition continuing.

After reading "Parking Lot From Heck," I realized that situation will probably always be terrible. It reminded me of an article I wrote in 1987 or 1988 called "USD Olympics," which discussed the "olympic parking event."

Anyway, keep up the good work.

Thomas D. Mauriello ('88)

Milberg Weiss Bershad Specthrie & Lerach

## LETTERS

## Anita Hill: Someone Was Lying

The Oct. 30 issue of *Motions* had as one of its front page stories the appearance of Anita Hill. She was the speaker at a benefit luncheon sponsored by the Women Judges' Fund for Justice at the San Diego Convention Center. The article was written by Elizabeth Genel.

Ms. Genel was obviously much taken by Anita Hill. We were told that she is very slim and very beautiful with much charm and a sense of humor. Anita Hill impressed Ms. Genel very much and seemingly she is not alone in this.

What struck me about the article was the sentence, "Whatever one thinks of Professor Hill's allegations, whether you believe they are true or not, does not matter." With that, possible perjury and fraud are casually waved aside as of no moment. As attorneys or would be attorneys, perjury should not be considered so trivial. If the allegations are untrue, then Justice Thomas has been done a gigantic injustice. That does matter.

A review of the events in question might be in order. Anita Hill accused Clarence Thomas of sexually harassing her some years before. Thomas agreed that if such had happened, that he was unfit to serve on the Supreme Court; but categorically denied that anything like that had occurred. He specifically denied asking her out.

Senator Hefflin pointed out that someone was lying - that the stories were so contradictory that it could not have been a case of two people viewing the same events from different perspectives and forming two different but honest interpretations of the events. Someone was lying, deliberately lying. Because the lying was under oath, perjury was committed.

The American people watched the hearings as no other hearings had been followed before or since. I myself neglected my work to watch the hearings and was irritated when some matter interrupted my viewing. By better than 2 to 1, the public at large concluded that it was Anita Hill who had committed the perjury. There was no significant difference between men and women on the issue.

Certainly it was not unanimous. Many people, probably including Ms. Genel and the others at the luncheon, believe that it was Thomas who was the perjurer. That is their privilege. That is not the same as saying the question is unimportant.

Henry R. Kramer

USD LLM student

## Death of Fetus Defies Justice

Ms. Carbone's article, "Adding a Verse to Justice" (Dec. 2, 1992), was certainly the most eloquent defense of abortion I have ever read. I am somewhat puzzled by the title, however. In what sense is abortion "just?" Justice normally means that everyone receives that which they deserve. Is there anything a fetus can do which is so horrible as to merit a violent death?

Those in UCC last semester may recall Prof. Wonnell's allusion to John Rawls, who said that the justice or injustice of a society must be judged from behind a "veil of ignorance:" if people would be willing to enter a society without knowing what role they would occupy, the society is just. Our society would certainly fail under this standard, as few of us would be willing to risk a one in three chance of being vivisected or vacuumed out of our mother's womb before we were even born.

Perhaps is easy to sympathize with Patricia, about whom Ms. Carbone wrote, because she had cancer of the womb, and it was determined that "her health would deteriorate" if pregnancy continued. If this was true, then - according to the Alan Guttmacher Institute, Planned Parenthood's own research division - she was one of the mere 3% of women who get an abortion for "health reasons." Those who are victims of rape or incest make a combined total of 1%. The veracity of these statistics may be doubted; even Jane Roe (from Roe v. Wade) admitted in 1987 that she lied about being raped, and Planned Parenthood has an obvious motive to falsify data. But even if we accept these numbers and ignore the fact that most anti-abortion legislation makes exceptions in such cases, we must admit that the vast majority of abortions occur because a mother, who chose to risk pregnancy, judged her interest in not being pregnant to outweigh her baby's interest in not dying. Where is the justice in that?

Abortion is only "just" if might makes right. I submit that it does not.

L. Lucarelli

USD Law '93

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# BAR REVIEW:

## Paris: Seine City of Art and Amour

### CAFE DE FLORE

#### ST-GERMAIN-DES-PRES

**Madame X:** Just south of the Seine River, near the Abbaye St-Germain, one can find the city's two most popular cafes huddled together on the Boulevard St-Germain: Cafe des Deux Magots and its slightly more modest rival Cafe de Flore. Each cafe unabashedly flaunts its crowds of gazing inhabitants onto first time passersby and starry-eyed tourists. Locals march by with noses pointed in the air. This is the neighborhood of the Bon Chic Bon Genre, the neighborhood of art schools, art shops, publishing houses, and the birthplace of the existentialists. I like to remember it as the latter.

Despite the cafe's rich history and international fame, I adopted the place by accident on a dreary Sunday afternoon. It was one of those days when Paris resembles an evacuated city, the only sign of life cheerless, grumpy tourists stumbling about, awake since four after a hellish night in saggy beds in their budget hotel rooms. The only way I could rationalize being in Paris and having to study law was doing so in a cafe, far away from a library and other law students.

Cafe de Flore was just one on the list of cafes I intended to explore that summer. Every study session would take me in an orderly way down that list. I took the metro to St-Germain-des-Pres and ascended the stairs onto the boulevard, staring down at my address book searching for street names and numbers. I was on the lookout

for a quaint establishment, probably closed on a Sunday, where someone like Sartre would seek solace to write. I nearly gasped with surprise when I looked up from my papers to find thousands of prying eyes peering curiously from behind designer sunglasses and clattering cups. The eyes followed my progression down the street. Before I could escape their dizzying gazes, I came across another cafe mob also hungry for a strolling public. Overwhelmed by this sudden attack of attention, I doubled back and went left down the little Rue St-Benoit. At once, a large table magically cleared where I eagerly planted myself to become one with the thirsty Flore mob. I was approached by my first polite Parisian waiter and decided never to move down my list of awaiting cafes. If you do not feel comfortable at street level, retire upstairs. This usually quiet haven is filled with mahogany tables and red banquettes, the antithesis of the commotion downstairs. It may even be one of the most accessible air-conditioned rooms in Paris, which might explain the prices. But, the price of an espresso will buy you hours of undisturbed study time. You are not only buying a cup of coffee; you are renting space and paying for ambiance. The Flore does have its inescapably touristy element. After all, Picasso sipped mineral water at the front tables, Sartre and Simone de Beauvoir practically lived here when writing their books, and even Hemingway was only one of the famous many who lounged away their meaningless existences here. This is a place French

people with clean hair go to. The only American I met here was Sandra Bernhardt. I wasn't sure it was her until she started talking about Prince and Madonna.

If you prefer a trendier atmosphere laden with rich tourists and even more Americans, visit the Deux Magots. The coffee tastes like something you'd get at Denny's, but I hear the hot chocolate is very good.

**Hollywood's Reprise:** Madame X undoubtedly was impressed by meeting Sandra Bernhardt, a legitimate glamour girl, yet she hardly compares to the star quality of my newest acquaintance, the Queen of Pop Culture, the Diva of Dance, the Reincarnation of Marilyn, the Mistress of S & M - Madonna. Yes, Hollywood met, danced and schmoozed with Madonna over break in LaLa Land!

This time I agree with Madame X. Cafe Flore is a marvelous place to see and be seen. As you drink your carafe of blanc (25 francs for 3 glasses), you can watch the grand dames enjoy late breakfast with male consorts half their age (my type of relationship), eavesdrop on American businesswomen discussing fashion, marvel at the beauty of the French femme fatales sunning themselves, or be serenaded by an inebriated version of "Old Man River" (in French, of course) sung by a local minstrel.

Paris considers its cafe culture its "thousand points of light," and Cafe Flore is among the brightest. Visiting here instantly gives you bragging rights at Cafe de Flore in San Francisco.

### LA LOCOMOTIVE

#### THE PIGALE DISTRICT

**Madame X:** This is Paris' unjeweled version of Webster Hall in NYC. If you want to escape the trend squads at Bain Douche, this is your place. The bouncers are not terribly picky, the dress code is more casual, and the music is usually good. However, the Locomotive is in Pigale, Paris' seedy redlight district. To be safe, I would recommend going with a group. Besides, the crowd at the Locomotive is not particularly fascinating, so you will be glad to be with people you know.

**Hollywood:** The Pigale district is the traditional Parisian rougelight district where notorious scenesters of days past like Henri Toulouse-Lautrec would cavort with (and paint) the dancers of the numerous, internationally acclaimed strip joints. (Madame X take note.) Now, these famous clubs attract middle American retirees on guided tours who can afford the \$80 cover for dinner and Berge-type follies. However, the Pigale's newer establishments, Miloko, Rick's Cafe and La Locomotive, are very hip and happening places which perpetuate the Pigale's reputation for nights of unrestrained, yet elegant, debauchery. (La Locomotive is less expensive: only 60 francs (including the ubiquitous first complimentary cocktail).)

La Locomotive uses the famous neon two story windmill located next door on top of the Moulin Rouge as a beacon to attract a lively crowd of both Parisians and Americans. One enters through a bar longer than the eye can see which ends in a very dark lounge. (Later on in the evening, I was to discover the lounge was sufficiently dark to prevent the disclosure of clandestine, amorous activity. Therefore, I was able to use the lounge for an intimate goodbye to two of my favorite classmates - one, the friend of Madame X - without the other being any the wiser.) High energy dancing is the hallmark of La Locomotive. Upstairs, one can lose oneself on the cavernous dance floor with an impressive laser light show and fog cover. Downstairs, daisy-clad go-go dancers pace the crowd to a very hard and throbbing maison (rave) beat.

### MADAME X' JE NE SAIS QUOI

#### The Casbah

##### BASTILLE

**T**his place would be virtually impossible to find, except for a guillotine placed up front in honor of Bastille Day. Otherwise, this bar is located on a small, residential street, and no signs or long lines attest to its existence.

The guests were each announced with the click of a staff. What lay before us was an aesthetic feast. In tribute to the Bastille, the staff

were ironically garbed in pre-revolutionary costume, complete with white wigs, painted faces and women in hooped skirts. Mismatched antique furniture was scattered about. The walls resembled a Turkish bath, and the clientele showed a taste for Armani, Gaultier and Versace.

Fashion models drooped over their single drinks at the bar, looking up only to peruse the latest newcomer. It was a bizarre feeling

to have models I was used to looking at in magazines stare back at my own attire for a change. The men were mostly perfect looking, too - so perfect they ceased to be attractive. I desired conversation with them as much as I would yearn to chat with a mannequin.

All in all, this was a comfortable, casually elegant place to have a few drinks before heading to the Bain Douche. There is no cover charge, but the prices are steep, starting at 75 francs a drink. The ambiance is well worth it if you desire a change from guidebook recommendations.

### HOLLYWOOD'S RAISON D'ETRE

#### Les Bains/Bain Douche

##### CHATALET/LES HALLES

**B**ain Douche is Paris' hottest nightclub - I saw Grace Jones partying there, although I didn't dance with her. The crowd is chic, often dressed in black, and uniformly gorgeous. Look your best; the doorman had discriminating taste. Bring several 100 franc notes, for the exhilaration of Bain Douche is tres cher.

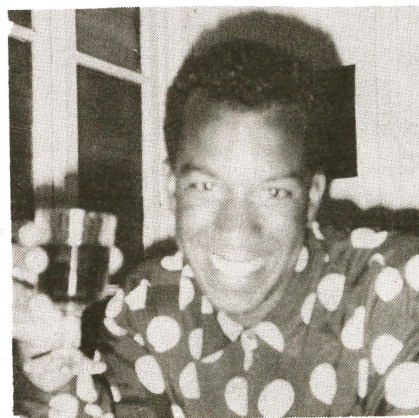
Bain Douche gets its name from its Roman bathhouse origins. Inside, the original mosaics and tile walls decorate the club and give

a beautiful, historically rich look. Bain Douche emits a powerful, sensual energy which seems to intoxicate and captivate the entire crowd. Rarely will a club so completely seduce all of its patrons.

Indeed, I met an incredibly beautiful woman clad in a silver sequin dress who spoke almost no English. We had a fine time together, sharing conversation and

enjoying the pleasure of swaying our bodies together to the lusty rhythms. Unfortunately, her limited English faded with the rising sun and her dawning sobriety. The spirit of Bain Douche mercilessly entwines couples together in dancing pleasure.

At Bain Douche your body, mind and soul are willing servants to the master of amour. No one arrives before eleven o'clock. I danced until dawn both times I went there, and the pace was only beginning to slow. Surrender, and you will truly experience the best of the night life Paris has to offer.





# OPINION:

## How the Democrats Were Able to Secure the Presidency

By Christopher Scott Trunzo

Motions Staff writer

In the aftermath of Bill Clinton's victory by default, you may well be asking yourself, what happened to the Republican party we all came to love for the last twelve years? A year ago, President Bush seemed all but unbeatable. Superman couldn't have dragged any of the first string Democrats into the race. In effect, the leadership of the party had already conceded to the Republicans, leaving the Democratic side of the race to the wimps, weirdos and windbags like Tsongas, Brown and Clinton. Little did they know that one year later, the windbag extraordinaire with an army of skeletons in his closet would be President of the United States. What Happened??

First of all, the Democrats, believe it or not, chose the right man at the right time. All of the A-

List Democrats were known quantities. One of the main achievements of the Reagan era was to make "Liberal" a four letter word. In the public eye, the "name" Democrats and the Democratic party were inextricably interlinked with the L-word. If the Democrats had nominated yet another member of the mainstream left wing party, they would have played right into the Republicans' hands. The specter of rampant taxing and spending, of a "liberal" extension of rights to every minority group at the expense of the majority, and a softness on crime (Willie Horton) and on foreign policy (Saadam Hussein) would have been placed before the eyes of the public. The Democratic candidate would have been shot down in flames.

The Republican Party knows very well that if you can label someone and make it stick, you can control the terms and direction of the contest; defining your opponent with your own terms is the first step to victory. Instead, the Democrats,

in choosing a candidate whose prior claim to fame was putting the entire '88 convention to sleep, nominated someone upon whom the usual labels would not stick! In fact, the reverse began to happen; the Democrats took control of the campaign and made it a referendum on the economy. The Republicans' early loss of control over the direction of the campaign was their first fatal blow.

Second, the Republicans were not prepared psychologically to wage a campaign based on the economy. It is very hard to convince a supply-sider or monetarist that the government can have any positive effect on the economy. The Bush team, being the free-market lot they are, gave off the public perception that they were ignoring the economy, when in fact they were simply waiting for Adam Smith's invisible hand to set things right. This did not happen. The Democrats and Ross Perot picked up on this immediately and made

See **DEMOCRATS** page 4

## The Spirit of '60

By Dallas O'Day

Motions Staff writer

Ever since the election of the Little Rock Doughboy and his presidential partner, Lady MacDeath, to the Presidency, the media has gone overboard on the "Sixties" and the "New Generation" themes. "FIRST BABY BOOMER IN THE WHITEHOUSE," the headlines shout. "CLINTON TO INVOKE SPIRIT OF THE SIXTIES," promises another. As a child of the Reagan years and the "baby bust" generation, this prospect does not fill me with joy. Let me explain, in my usual objective and polite fashion, why this nostalgia trip is a one way ticket to hell.

The baby boom generation is usually defined as those born in the years 1946 through 1964. They began entering college in the early 1960s. America has yet to recover.

The baby boomers were instrumental in the "free speech" movement on campuses. Today, those boomers who stayed in academia are instrumental in at-

tempting to limit free speech through the promulgation of campus speech codes. Is this the spirit of the Sixties?

Baby boomers who led the campaign to keep colleges out of the business of regulating the sexual conduct of their students now lead the campaign to get colleges back into regulation of the sexual conduct of their students. I refer specifically to the attempts to get campus grievance committees to act as tribunals when date rape accusations or intrastudent harassment charges begin flying, a role that campus committees are not competent to fill. Is this the spirit of the Sixties?

Baby boomers who led the charge to make education more "relevant" and scorned traditional methods of giving children a basic education are now the rust-butts who complain loudest when confronted by a McDonald's worker who can't give

change properly without the aid of a machine or the fact that most current products of the U.S. educational system can't find Vietnam on a world map. Is this the spirit of the Sixties?

The baby boomers who demanded and fought for equal treatment under the law for all the citizens of the United States are now those demanding and fighting for

the unequal treatment of various groups under the law. Those boomers who once pursued justice for all now pursue justice for some and care not that others may suffer. Is this the spirit of the Sixties?

The baby boomers who "questioned authority" and took on the Establishment now respond to the questioning of their authority and social policies with resentment and intolerance. The boomers are the apostles of political correctness, far removed from their Sixties ideals of free expression and speech. Not quite the spirit of the Sixties.

Lest we forget, the Sixties and its afterbirth, the 70s, were also decades of grotesque cultural insults. Bell-bottomed trousers? Love beads? Artificial turf and domed baseball stadiums? Hippies, Yuppies, and Timothy Leary? No wonder some saw the Sixties as the end of the world. Great art? Only if you consider Andy Warhol the equal of Picasso. Literature? Name a great novel or novelist from the Sixties. The cultural "greatness" of the Sixties is in rock'n'roll, and even that is stained by the fact that with the Beatles came the Troggs.

Perhaps Slick Willie will be different. Perhaps not. But the "Age of Aquarius" now enveloping the White House and the media should not be celebrated. It might be better entitled the "Age of Despairing-us."

## On the Right

### Abortion Can't Be Justified

By L. Lucarelli

Motions Staff writer

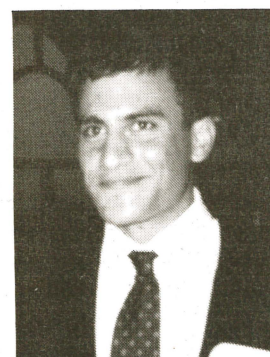
At its heart, the question of whether abortion can be justified is a relatively simple one. Abortion is justifiable if the rights of the mother in having an abortion outweigh the rights of a fetus in not being aborted.

If a fetus is capable of holding rights, its interests in not being aborted are immense; the right to live is the fundamental right because all other rights are predicated upon it. Proponents of abortion have suggested that a fetus cannot hold rights because it is either not "alive" or not "human." These claims are facially absurd if taken literally, and abortion proponents presumably do not mean that fetuses are either inanimate or something other than homo sapiens. When fetuses are termed to be not alive, not human, or non-persons, the actual claim is that they are human lives which lack value and thus, have no rights worthy of protection.

In order to decide which human lives are not valuable, we will need to identify what makes any human life valuable. Since we assume that our own lives are valuable, we must start with the assumption that all human lives are valuable. If we can decide what makes human lives valuable and then show that fetuses lack that quality, we can consistently hold that our own lives are valuable, while those of fetuses are not. (While the wisdom of creating a class of "non-valuable" human beings is questionable, it might make sense in some circumstances. For example, it could be argued that someone in a coma, of whom we had sure and certain knowledge that there were no brain waves and no chance of recovery, was human and alive but not "valuable.")

While it is difficult to decide exactly what makes life valuable, it appears that we value human lives for their capacity to perform "human" activities. The opera-

tive question becomes whether fetuses have the capacity to perform such activities. The similarities between a fetus and a baby will force supporters of *Roe*, who presumably oppose infanticide, to make the fatuous claim that viability is that which gives value to human life. A more moderate position is that fetal life only becomes valuable when there are brain waves (i.e., if thought or that associated with it gives value to life). This position would eviscerate *Roe* because fetuses exhibit brain waves 40 days



after conception ("Life or Death," J. Am. Med. Ass'n 120, Oct. 12, 1964.) and develop working nervous systems (being the subject of an abortion is doubtlessly very painful) 18 days after conception (Landrum & Shettles, M.D.,

"From Conception to Birth," 33, 1971). However, this position is also flawed because even a fetus at the earliest stages has the capacity - albeit not the immediate capacity - to engage in human activity. The capacity to engage in future human activity makes life valuable.

To illustrate: Suppose that you were forced to choose between allowing a four year old and an 80 year old to die. If you could only save one, you would choose to save the four year old. Your implicit assumption would be that the child's life is more valuable. The 80 year old presumably has less time before he dies, while the child has his whole life ahead. It is this potential to engage in future human activities which makes the child's life more valuable than that of the adult. Think about it. Death does nothing to change the activities a person has already performed; such activities are unchangeable because they no longer exist. It prohibits them from remembering those past experiences in the future, but it does not change those experiences. We do harm by killing someone because we prohibit them from engaging in future activity. This is why infanticide, and abortion, are so atrocious: their victims have the most to live for.

Abortion proponents might See **ABORTION** page 4

## On the Left

'On the Left' will return in the next *Motions* issue.



## New Administration Puts on the Ritz

### Glitz and Glamour Dominate the Inaugural Scene

By Elizabeth Genel

Motions Fashion Editor

With all the inaugural excitement going on this past week, I have found it difficult to concentrate on anything else. Say what you will about the new administration, the new fashions Hillary and Bill, Tipper and Al are sporting are fabulous. You were all probably too busy studying last week to have been glued to your television sets. Good thing I wasn't.

What I find so exciting are the endless emulation possibilities. It was hard to get excited over Nancy Reagan. I mean, who has an extra six thousand dollars to spend on a suit? And I am thin, but I'm not chicken bone thin. As for Barbara Bush, I have always loved pearls, but long ropes of them, not a dog collar to cover my jowls. As far as I'm concerned, the Kennebunkport chic has worn a little thin. Although I'm sure my fashion needs will change when I'm 70, for now I'm happy to have a vibrant, young, size 8 woman in the White House to watch. Oh, and her husband's a babe.

So far the new administration has won brownie points in my book for their fabulous and politically correct fashion sense. Did anyone else notice that Bill and Al wore Timex Ironman running watches with their tuxedos during the Hollywood gala event where Barbra Streisand and other Hollywood big-wigs sang their praises? And speaking of Babs Streisand, sand like the beach, I don't think the world is really interested in how to pronounce your last name. Also, since you haven't sung in public since 1972, McGovern, couldn't you have found something a little more feminine to wear? Aretha Franklin certainly did. She looked fabulous in her yellow chiffon with silver bugle beads dress. Of course, she did wrap herself in mink, and some might squawk at that, but minks are not the same as baby seals, so don't bother getting indignant and writing a letter to the editor because it's not that big a deal. The point is, Aretha is the Queen, and boy did she look like one. Goldie Hawn looked rather sexy in her silvery white, low cut, high slit dress telling some story about her father, who played the saxophone at inaugural balls in days gone by. Sally Fields was with her in some black

frou-frou dress. Frankly, she paled in comparison to Goldie. Michael Bolton needs a haircut. He has a very handsome face, but who can tell with all that stupid straggly hair?

I'm combining the Wednesday night gala and the Thursday night inaugural balls, so if you're having a hard time keeping up, think Wednesday night - Hillary was in a magnificent red lace dress. Thursday night she was in deep purple lace covered with beads, estimated retail value, ten thousand dollars. That might seem a little steep, but Nancy R. spent that on everyday suits and stuff. Remember the new White House dishes she needed? And let me tell you, they didn't come from Crate and Barrel. I figure on the most important night of your life, you can spring for a pretty dress. Tipper Gore looked downright foxy in her blue velvet number Thursday night, and how can you resist a couple that gets up on stage and rocks at all the balls?

Lots of people are giving Bill saxophones so he'll have a nice collection to play. I don't know very much about the sax, so I don't know if he's any good or not, but I think it's sexy that he got up on stage and jammed with the band at

the Arkansas ball.

Yes Bill, Hillary and Chelsea looked great Thursday night. I am convinced Chelsea will blossom into a beautiful young woman right in front of America's eyes. How many of you were cover girls at thirteen? Well, the Gore girls are already beautiful. Let's give Chelsea a chance. I find all this youth very exciting. Maybe they'll all get together to do a Gap ad. Let's just hope Chelsea doesn't grow up and get arrested protesting with Abby

Hoffman.

Whatever your personal politics are, I certainly hope you are excited with all the possibilities the new administration brings. Fifty bucks says there's going to be a big rise in blond hair color sales. Mark my words, you'll see a lot more blond women walking around in smart, reasonably priced suits. Even the hardest core Republican can't argue with that.

## MOTIONS Top Ten

### Effects of the Clinton Presidency

10. "Dueling Banjos" replaces "Hail to the Chief."
9. White House chefs learn to cook squirrel 25 ways.
8. Forces Dan Quayle to learn to write a resume and face the reality of his law school grades.
7. Judge Ginsberg's Supreme Court nomination is suddenly renewed when Clinton interviews him to see what it was like to inhale.
6. Air Force One rented out for MTV party weekends.
5. Abraham Lincoln's antique mirror placed on bedroom ceiling.
4. Hee Haw's ratings skyrocket.
3. Condom machines installed in Oval Office bathroom.
2. Quayle's White House petting zoo disappears at Clinton family barbeque.
1. Amy Carter no longer enjoys history book distinction as "Homeliest First Daughter."

By Emil Wohl

## Letter from Washington

# Baird Nomination May Be Sign of Deeper Problems for Clinton

By Robert Little

It was unusually warm in Washington the days following the Inaugural, perhaps from the fires burning under the feet of President William Jefferson Blair Clinton. The President's historic appointment of Zoe Baird to be the first female Attorney General decayed not quickly, but gradually. Late Thursday evening, Ms. Baird announced that she would not, under any circumstances, withdraw. By this point, several senators of her own party had announced opposition; even Senator Dianne Feinstein, a Judiciary Committee member, moved from support to neutrality. Baird withdrew only a few hours later, too late for the delivery edition of the Friday *Washington Post*, but early enough for the late edition. She was the first Cabinet nominee in 120 years to withdraw her name from consideration.

That this issue hurt Mr. Clinton was evident from the news coverage. Today's edition of *Time* magazine, for example, put Ms. Baird on

its cover and covered the story ahead of Mr. Clinton's inaugural in its pages. Saturday's *Post* had two front page stories on the Baird issue.

The withdrawal no doubt was cause for some queasy celebrating in Capitol Hill offices of Democrats, where senators, particularly those involved in the Clarence Thomas imbroglio, were reluctant to vote either against a woman or against 99 out of every 100 phone calls to their offices, which were arriving in numbers unseen since the Thomas-Anita Hill hearings.

The issue was not forced by Republicans. The ranking minority leader on Judiciary, Orrin Hatch, announced preliminary, albeit solid, support for Ms. Baird after the revelations of her employment of two illegal aliens (a nanny and a chauffeur) and her failure to pay Social Security taxes on their labor. Ms. Baird was perhaps the easiest target among Mr. Clinton's nominees but was safe from Mr. Hatch. This was perhaps due to his need to show some sensitivity toward women after his participation in the Thomas-Hill hearings, but also Republicans considered Ms. Baird the best possible nominee they could expect from Mr. Clinton: she has said

some sympathetic things about tort reform, favors an expansion of the federal capital punishment law, and clearly understands business.

It devolved on Senator Joseph Biden, the committee's chairman, to treat Ms. Baird the roughest. He sought new witnesses to "corroborate" her testimony - her husband and lawyer were to testify; her nanny was nowhere to be found, although the chauffeur (the nanny's estranged husband) was.

Over the course of last week, calls to Judiciary members were close to 100 to one against confirming Ms. Baird. Despite the 1992 election theme - that politicians are irredeemably "out of touch" with citizens - few senators can buck the sentiments arriving in huge mail bags, delivered five times daily to Senate offices.

The legacy of Thomas-Hill, now thankfully 15 months in the grave, hung over the committee's work. It was difficult for senators to speak against Ms. Baird while forcing Mr. Hatch to keep his head low. Mr. Biden, never a likely vote against Ms. Baird, was forced to be phony-tough. Mr. Biden, who shares with President Nixon the gene that forces one to smile involuntarily at inappropriate moments, would ask tough

questions, then smile, then repeat. The legacy of Ms. Hill kept Ms. Baird's chances alive longer than were she a male. However, as Mr. Clinton made clear early in his campaign and again during his selection process, Ms. Baird would not have been appointed were she male. Today's *Post* went so far as to print the incredible, shocking headline: "Attorney General List Includes Men."

If gender enabled Ms. Baird - whom Mr. Clinton first met one day before nominating her - to receive, then fight for, the nomination, it was irony that brought her down. Fair or not, Social Security tax avoidance is more damning to Democrats than Republicans, if only because it is so wholly inconsistent with their politics, much the same way as Mr. Clinton was hit with charges of duplicity for sending his daughter to a private school while opposing an initiative which would extend the same option to poorer Washingtonians. The electorate's disgust with political perks gave rise to the claim that wealthy liberals - limousine liberals, Volvo Democrats, what have you - can and do avoid living under the laws they favor. Moreover, the events surrounding Ms. Baird contrasted

sharply with Mr. Clinton's much publicized new standards for ethics in government.

It remains to be seen the extent to which Mr. Clinton's transition problems - policy reversals, the Baird debacle, the conspicuous quota system used to choose nominees such as Ms. Baird - will follow him into the White House, the question today's *Chicago Tribune* asked on its front page. Mr. Clinton, polls suggest, is more popular now than Nov. 3. However, the policy switches and the Baird nomination show him to be extremely responsive to political pressure. Ms. Baird's sudden withdrawal (only a few hours after she announced that she would not) suggests that she withdrew at his request. This request could only have come after several senators publicly (and likely more, privately) asked him to pull her name. The extent to which he bows to pressure will be tested again tomorrow, when senior military officials travel to the Oval Office to dispute Mr. Clinton's plan to introduce homosexuals to the military.

The author, a second year law student, writes from Washington, D.C., January 24, 1993.



# PMBR Improves Score On California Bar Exam By 250 Points!

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Robert Feinberg  
Executive director PMBR  
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If you look at my scores from the earlier test you will notice that not only did I fail the test, I failed each and every portion of it. I did not pass one single essay, performance test or the multi-state. Although it is very embarrassing to point this out, I want to show you just how big a difference the PMBR course made to me.

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I would truly like to thank you for all your help in passing the bar. I am recommending the PMBR full course to all my friends who have yet to take the California bar exam.

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MBE		Written	
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Contracts:	28	Essay 2:	45.0
Criminal Law:	16	Essay 3:	65.0
Evidence:	15	Essay 4:	55.0
Property:	19	Essay 5:	55.0
	26	Essay 6:	60.0
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